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LIBERTY

AND

PROPERTY.

By EUSTACE BUDGELL *Esq.*

[Price Stitched Eighteen Pence.]

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LIBERTY AND PROPERTY: A PAMPHLET

Highly necessary to be read by every
Englishman, who has the least Regard
for those Two *Invaluable Blessings*.

Containing
Several *Curious Stories* and *Matters of Fact*,
with *Original Letters* and other *Papers*.

And some Observations upon the Present
State of the Nation.

*The Whole in a Letter to a Member of the
House of Commons.*

By EUSTACE BUDGELL *Esq*;

Qui uni nocet, omnibus minatur.

Ucalegon. — Jam proximus ardet.

VIRG.

THE THIRD EDITION.

L O N D O N :

Printed for W. MEARS, at the *Lamb* in the
Old Bailey; and Sold by the Booksellers of
London and *Westminster*. 1732.

[Price Stitched *Eighteen Pence*.]

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AND

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PAMPHLET

It is intended to be read by every
Englishman, who has the least regard
for his two last-mentioned Rights.

Several former and modern
Writings of this kind are
And some of the most
States of the Nation.

The following is a list of the
Works of the same

As published by the

Printers of the Nation

the Town of London

London

Printed by W. Mearns, at the

Old Bailey, and sold by the

Booksellers and W. Mearns, at the

Price of Sixpence

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PAMPHLET highly necessary to
be read by every *Englishman* who
has the least Regard for those two
Invaluable Blessings.

To * * * * * Esq;

S. I R,

THOUGH you have often made me
strong Professions of Friendship, and
expressed a generous Concern for my
Sufferings, yet for certain Reasons I
shall not prefix your *Name* at Length to the fol-
lowing Account of some *Facts*, which I conceive
it proper every *Englishman* should be made ac-
quainted with, that he may judge how far he is
secure in his *Liberty* and *Property*, against any
Attempt which may be made upon them by any
Person whatever, who is his Fellow-Subject.

B

I

I HAD formerly some Inclination to have been a Member of your House, and humbly hope, that my Birth, my Fortune, and Education, made this my Ambition not an unwarrantable one. I was firmly persuaded, that I could have done my Country an important Piece of Service, by improving a certain Branch of her Commerce to such a Degree, as would have gained her at least *half a Million* yearly. I venture to speak a little positively on this Head, because what I had to propose was approved by the late Earl of *Hallifax*, and would have been executed, had that able Minister lived; who understood Trade better than any Man of Quality in *Great Britain*. To render to his Memory what is justly due to it, I must frankly own, that he first gave me the *noble Hint*; which I had afterwards some very particular Opportunities of working upon, and (I think) of improving.

A CERTAIN *Great Man*, now living, who is said to have made many a Member of Parliament, thought me once so well qualified to be one, that he assured me, in the most solemn Manner, I should be the very first Man in *England* he would bring into your House. When for some Reasons, which I could never yet persuade this *Honourable Person* to tell me, he thought proper to break the solemn Promise he had made me, I resolved to try what I could do for myself. To be plain, Sir, I took the Method which I am afraid too many Gentlemen of late Years have been obliged to take, when they offer their Service to a *Burrough*; a Method which I am far from thinking right in itself, and which I sincerely hope the late excellent Bill against *Bribery and Corruption*

ruption will put an End to. My several Attempts to get into the House, cost me between *four and five thousand Pounds*. I had once taken off all Opposition; and must have infallibly succeeded more than once, if there had not been the most extraordinary Methods made use of to oppose me. In short, from what I know, and have seen, I am at present fully convinced, that if I should stand for any Burrough in *England*, and *fifty thousand Pounds* would keep me out, that Sum (monstrous as it is) would be laid out to oppose me.

I SHALL not here endeavour to determine, whether, or no, it was resolved to ruin me, that I might be incapable ever to sit in an House of Commons; but the Manner in which I have been ruined, has been thus:

I HAVE been forced into a great Number of Law-Suits, which Nothing I could do or offer was able to avoid. These Law-Suits have been carried on against me, under the Names of Persons who are notoriously known to be worth *Nothing*; who are notoriously known to be incapable of raising such a Sum of Money as has been spent against me under their Names in one single *Term*. When by these Means I have been forced, much against my Will, into Courts of Justice, I have been treated there, however it has happened, with more Severity than ever any *Englishman* was before in the same Circumstances with myself. In short, Nothing is more plain and demonstrable, than that my Adversaries must have been supported by a powerful Purse. I will not take upon me to affirm, who the Man is that has supported them, nor with what De-

sign he has done so: Thus much I cannot help saying, That if it is a *certain Person*, (whom I have Reasons, strong Reasons to believe it is,) I could convince the World, that there is not this Day upon Earth, a Man who can excel him, either in Cruelty or Ingratitude.

THOUGH I have been often challenged, and provoked in the most abusive Language by a certain Set of Writers, to enter into some of the Particulars of those Hardships I complained of, I have hitherto remained silent. I was apprehensive, that they were flinging out a Bait on Purpose for me, with which, if I had been taken, their Patron himself, either in his *own Name*, or the Name of some *other Person*, would have endeavoured to get my just Defence *interpreted* into a *Libel*, and have added to the Weight of all those *tender Mercies*, of which I have already so plentifully tasted. I am, perhaps, at last falling into the mean and wicked Snare, which has been long laid for me; but be that as it will, a certain *Accident* has determined me to lay before my Country, at least some few Particulars of the Usage I have met with.

THE Accident I mean was thus:

I HAD not long since the Happiness to pass an Evening with an old Acquaintance, who is at present an Ornament to the Profession of the *Law*. Our Discourse happened at last to fall upon my Misfortunes, of which I gave him some Account. When he had heard me, with a good deal of Attention, he broke out, as nearly as I can remember, into the following Words; *You have told me such Things, as I could never have believed, had I heard them from any*
other

other Person. I do believe what you say, because I knew your Family, your Education, and have now been acquainted with you for so many Years; but you may depend upon it, that if you should happen to die, some Things which you have told me are so Horrid! so monstrously Wicked! that no Man will ever believe you could be oppressed and treated in such a Manner, as I am now fully satisfied you have really been.

I HAVE often reflected upon my old Friend's Words: I believe he is right; I believe I have suffered such Things, as no Body would credit, if I was not in a Condition to prove what I assert. I do not take myself to be a long-lived Man; and if I die under any of those Disorders I have lately contracted, I take myself to be as much murdered by that Man, whoever he is, who has been the Cause of the cruel Usage I have received, as if he had actually procured me to be assassinated. If in the next World there is an Inquisition for Blood, I am fully persuaded my Innocent Blood will rest upon him and his Family. My Hopes and Belief that the Matters of Fact which I shall lay before you, may give you, or some other Patriot, an Hint for the better securing the Liberties and Properties of your Fellow-Subjects, have chiefly determined me to write this Letter.

BUT another Reason for my applying to you is, That I have not only been most infamously Robbed of such Papers as concern my Private Affairs, but of others which might have been of Service to the Publick, some of which I had fully determined to have laid before Your House, and which, I shall venture to say, contain some Particulars,

ticulars, well worth the Perusal of the Representatives of their Country.

I BELIEVE no Man in *England* had very lately so valuable a Collection as my self of *Original Letters* from some of the greatest Persons this Age has produced, and upon Subjects of the most *delicate Nature*. I had a considerable Number of Letters all wrote by the late King *William*, with his *own Hand*; a great many Letters of the late Lord *Sommers's*, the late Earl of *Hallifax's*, the late Marquis of *Wharton's*, the two last Great Earls of *Sunderland*, the late Lord *Stanhope's*, the late Lord *Oxford's*, the late Mr. *Addison's*, the late Lord *Bolingbroke's*, and the present Sir ROBERT WALPOLE'S; with several others. How I came by these Letters, it is not at present necessary to mention: I shall only assure you, that I spared neither *Cost* nor *Pains* to make the Collection. I have been robbed of a great Number of these Letters, which might have been made both useful and amusing to the Publick: Some of them by good Fortune I have preserved; and these, if I can keep them, may perhaps see the Light at a proper Time, and with a proper Explanation.

I HOPE none of my Countrymen will be so *weak* as to imagine, they are no ways concerned in the Contents of the following Sheets, because they chiefly relate to such Oppressions as I have suffered: No Man can tell how soon *my Case* may come to be his *own*. And however *worthless* I am, the same Methods which have been taken to ruin *me* (if they pass *Uncensored*, and *Unexposed*) may one Day be employed to destroy the *Best* and most *Valuable* Men in *Great Britain*.

THAT

THAT wise and generous People, the ancient Romans, were so jealous of the *Least* Attempts upon their *Liberties* and *Properties*, that whenever they saw one of their Fellow-Citizens *oppressed* in an extraordinary Manner, they immediately made *his* Case *their own*, and resented the Injuries *he* had suffered, just as much as if it had been offered to *themselves*.

Tarquin the Proud, lost his Crown, and the Name of a *King*, became odious to the Romans, for an Injury done by his Son to a Private Citizen of Rome.

Appius the Decemvir, after he had long played the Tyrant in his high Post, lost both that and his Life together, for making an Attempt on the *Property* of one *Virginius*, a poor *Plebeian*, from whom he endeavoured to take his Child.

THE Fate of this *Appius* was so very remarkable, that I shall give my Readers a short Account of it.

Appius was a Senator of Rome: He was a bold and confident Speaker; and as he wanted neither *Words*, nor *Assurance*, was always one of the *foremost* to give his Opinion in the Senate; so that at last, he became a *leading Member* in that Assembly. His many plausible Harangues in the Defence of *Liberty*, gave the People so good an Opinion of him, that by their Votes they made him Head of the College of *Decemvirs*, or, in other Words, the *First Minister*, and *Chief Magistrate* of the Commonwealth. For some little Time he made a *Modest* Use of his Power, affected the most popular Behaviour, and was ready to procure *speedy Justice* for the meanest *Plebeian*; till having formed a
Party

Party, and convinced them that it should be their Interest to stand by him on all Occasions, and against all Opposition; he acted like a most wicked abandoned Tyrant, and as the Head of those Conspirators, who for their *own Interests* had resolved to destroy the *Publick Liberty*. He still kept up, indeed, the *Form*, and the solemn Appearance of *Justice*; but this was nothing more than acting a *Farce*, to delude the Vulgar. The Magistrates before whom all *Causes* were heard, were the *Creatures* of *Appius*, owed their Preferment to him, and feared his Frown. So that though Appearances were saved, and some plausible Reasons often given for their Determinations, yet every Man who came before them was sure to lose or gain his *Cause*, as he was known to be more or less engaged in the Interests of *Appius*.

“ FAVOUR and SELF-INTEREST (says the Abbot *Vertot*) sat in the Place of LAW and JUSTICE: *Appius* and his *Associates* employed their whole *Power* and *Interest* to revenge themselves upon their *Private Enemies*; and reckoned all Men to be such, who would not tamely submit to be their *Slaves*.”

THE chief and fastest Friends of *Appius*, were at first a profligate Part of the *Nobility*: At the Expence of the Publick, he supplied these *necessitous Patricians* with the Means to support their *Pride* and *Luxury*. His *Power* at last grew so great, and seemed to be so firmly established, that several Senators, who had till now preserved a tolerable Reputation, and were once thought to have been much above so base a Compliance, condescended to become his *Creatures*, and to be employed in his most *Dirty Jobs*.

Jobbs. Among these was *Lucius Cornelius*, a Man *subtle* and *eloquent*, who, in reality, cared for nothing but his *Interest*, but was able to lay the *fairest Colours* upon the *blackest Villainies*. Even those Senators who disdained to join in the Measures of *Appius*, dreaded his Power. Unable to bear the Sight of what was daily done in *Rome*, and despairing to see a *Change*, they threw up the Care of Publick Affairs, and, with broken Hearts, either retired to their Country Houses, or went and settled among the *Latines* and *Hernici*. The People of *Rome* saw too late into how wretched a Degree of *Slavery* they were fallen, but knew not how to help themselves. *Appius* had all the Appearances of a *Legal Authority* on his Side. He was the *first Minister* in the Commonwealth, and possessed of a Post, conferred upon him by their own Votes, which gave him a Power of enriching or destroying almost whom he pleased. He knew himself hated by every good and virtuous Man; and therefore dreaded a *War*, which would have obliged him to put *Arms* into the Hands of the *People*. Though *Rome* was harrassed and insulted on all Sides by her Enemies, he raised no other Forces than a *Body of Troops*, entirely devoted to himself, with which he garrisoned the Capitol, and kept the *City* in awe. He introduced a luxurious Way of Living, unknown to the *Romans* till this time. The Citizens of moderate Fortunes, who had *now* more Occasions for Money than ever, and no Supplies from any *Foreign Conquests*, as they had before, soon lay at the Mercy of their Creditors. The publick Prisons be-
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came so thronged with unhappy *Debtors*, that *Appius* was forced to build *New Dungeons*. In the mean time, he himself swept the Streets of *Rome* with a numerous Train of mercenary Dependants: He lived in *Luxury* and *Feasting*; and in the midst of a Banquet, among his own Creatures, by way of *Jest* on those unhappy Men whom he had forced to plunge themselves into *Debt*, would often, with a barbarous Irony, call the *New Dungeons* he had built, *The Houses and Abodes of the Romans*.

THOSE Nations who had hitherto submitted to the *Roman Power*, despised now the Orders that were sent them, and scorned to acknowledge a People for their *Masters*, who were themselves become the *Slaves* of their Fellow-Citizen. The *Æqui*, the *Sabines*, and the *Latines*, made Incursions with Impunity quite up to the very Gates of *Rome*. The People looked upon these Insults with great Indifference and Unconcern: Whenever they talked with Freedom to one another, they declared, That if they must be *Slaves*, it was of no manner of Consequence who were their *Masters*. Some of them made no Scruple to affirm, That of the two, they would rather chuse to live under the Government of the *Sabines*, than the Administration of *Appius*. The Enemies to the *Roman State* proceeded at last to such unparalleled Insults, that the City daily expected a Siege, and *Appius* found it absolutely necessary for him to raise an Army: He enrolled the People, and obliged them to take the Field, under the Command of such Leaders as he had placed over them. The *Roman Army*, when they came to engage their Enemies,

Enemies, instead of exerting their wanted Courage, suffered themselves to be defeated. They dreaded nothing so much as obtaining a *Victory*, which they imagined might give some Credit to the *Measures* of *Appius*, and confirm him in his *Administration*. The News of their *Defeat* was received by the People at *Rome* with much more Joy, than they usually expressed upon the Tidings of a *Victory*. To this miserable Condition was the Commonwealth reduced by one Man's insatiable Thirst after *Power* and *Riches*. At last, his making a base Attempt upon the *Property* of a poor *Plebeian*, named *Virginus*, put an End to his Tyranny. *Appius*, to please his Letchery, had a mind to deprive this Man of his Daughter, a Girl of fourteen Years of Age: He durst not take the Child from her Father by Force; and therefore resolved to execute his Design by the Help of that *Mask*, under which the greatest Villainies the World ever yet saw have been committed. He resolved to rob *Virginus* of his Child under the formal and plausible Pretence of executing *publick Justice*: He got one *Claudius* to set up a *legal Title* to the poor Girl, and bring an *Action* against *Virginus* for his Child. By the Laws of *Rome*, the Children of all *Slaves* belonged to their *Masters*. *Claudius* affirmed That this Girl was born in his House, and was the Child of one of his Female Slaves, who stole her from him; and to conceal her Theft, pretended to be delivered of a dead Child: That he had discovered she sold this Girl to the Wife of *Virginus*, who being barren, and uneasy at having no Child, had made her pass for her own Daughter.

He added, That he could prove every Particular which he asserted by undeniable Testimonies. *Claudius* had, in Fact, got Witnesses ready to swear what he bid them; and among the rest, one of his Female Slaves, who was to confess, that she was the true Mother of *Virginus's* Daughter. This *Law-Suit* made a good deal of Noise in *Rome*: *Appius* had the consummate Impudence and Hypocrisy, to pretend to act in Favour of the *Defendant Virginus*. He obliged *Claudius* the *Plaintiff* to give up some Points before the Trial, which he confessed in Strictness of Law, he had a Right to insist upon. At last the Cause was brought to a solemn and publick Hearing in the open *Forum*. After all the Witnesses on either Side had been fully examined, *Judgment* was pronounced with the utmost *Formality*, and in a *Set Speech* from the Tribunal of *Justice*, it was declared, upon the whole, That the *Plaintiff* in the Action had a *legal* and undoubted Right to the Girl in Dispute: *Claudius* gained his Cause, and *Virginus* lost his Daughter.* The People, however, were not quite so blind and stupid, as not to perceive, that *Claudius* could hardly have carried Things in the *Manner* he did, if he had not been supported by some powerful *Interest*: They even suspected from some *Circumstances*, that no less a Man than *Appius* himself was at the Bottom of the Business; and were highly enraged to think that they had been mocked and imposed upon by

* It would have made the Story too long, and perhaps too moving, to have entered into the Particulars of *Virginia's* Death.

by the specious Appearance of *publick Justice*. Every Man made the Case of poor *Virginus* his own; and lost all Patience, when he reflected, that those very *Laws*, which it was pretended were designed to *secure* his *Property*, were made the Instruments to *destroy* it.

IN short, the whole City was in a Tumult: The *Romans* had an Army in the Field; the Camp was but four Miles from the City: *Virginus* flew thither, and with a Sort of *Eloquence*, with which his Grief furnished him, laid his Case before the Soldiers. Those brave Fellows, though they had been raised and subsisted by the wicked *Appius*, immediately remembered they were all *Romans*; and upon this generous Principle, resolved to procure *Justice* for their Fellow-Citizen: They tore up their Ensigns from the Ground, and leaving those Officers which had been placed over them by *Appius*, marched directly towards *Rome* with their own Centurions, and *Virginus* at their Head. The News of their March, and the Occasion of it, flew before them to the City; and never was an Army received with the like Joy, when they came back from the most glorious Victory: All the Streets and Buildings of *Rome* were filled with its Inhabitants, to see the Soldiers pass along; while nothing was heard, but Shouts and Exclamations of *Down with the Tyrant, Down with the wicked Appius: Let us be no longer Slaves; Let us remember that we are Romans.* The Soldiers, with a *Discipline* and *Moderation* which cannot be too much admir'd, marched through the City without offering the least Violence to any Man, or once stirring from their Ranks,

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though

though they often joined in the Acclamations of the People: They encamped upon Mount *Aventine*, and from thence sent Word to *Appius*, that *it was expected he should lay down his Office*. The Senate was immediately convened. *Appius* by disposing of *Places* and *Money* in a proper Manner, had hitherto constantly secured a *Majority* in that Assembly; but the Crime of which he was now accused appearing too monstrous to be defended, many of his old Friends left him; so that the *Senate*, as well as the *Army* and the *People*, insisted upon it, That he should lay down that *Post* which had hitherto screened all his Actions from being enquired into; and that he should answer as a *Private Man* to what could be objected against him. He found now that all Resistance would signify nothing; and the *Romans* with infinite Pleasure, saw him come into the *Forum*, and publicly resign his *Post*. He was no sooner divested of his *Power*, than he was accused, and brought to his *Trial* by *Virginius*. It was proved upon him, even to a Demonstration, that he was at the Bottom of the *Action* which was brought against that unhappy *Plebeian*. *Claudius* confessed, That in all his Proceedings he had been advised and supported by *Appius*, and had only lent his *Name* to screen and cover that wicked *Minister*. In short *Appius* suffered *Death*, a Punishment due to an hundred several Crimes which he had committed while he was in *Power*, and could command the publick *Treasury*. The most notorious Accomplices of his wicked Administration were soon after brought to their several *Trials*, and either put to *Death*, or banished. The Estates they

they had acquired by Rapine and Corruption, were all confiscated, and publickly sold. The Produce of them was put by the *Questors* into the *Publick Treasury*. Thus *Rome* recover'd her Liberty. The Joy of the People at this sudden and unexpected *Change of Affairs* can hardly be expressed; it was too big for Utterance. Nothing was more common than to see two generous *Romans* meet in the *Forum*, run into each other's Arms, shed a Shower of Tears, and part again without being able to speak a Word.

THE People of *Rome* now sent out their Armies against their victorious Enemies; and soon convinced all their Neighbours, That though they disdained to conquer while they thought a Victory would have confirmed *Appius* in his *Administration*, and their own *Slavery*, yet that when once they were in the full Possession of Things worth defending, viz. of *Liberty* and *Property*, they were not to be conquered. In a Word, the Arms of *Rome* were every where victorious, till at last she became the Mistress of the World.

I HAVE told this Story to no other End, than to shew after what Manner the *Roman* Senate, People, and Army, thought proper to resent the Injustice done to a poor *Plebeian*, their Fellow-Citizen. To this their extream Jealousy of having the least Encroachment made on the *Property* of any private Man, was plainly owing the Preservation of their *Liberties*; and that all Foreigners came to esteem it so high a Favour to be admitted into the Number of *Roman* Citizens.

IF

IF any Nation upon Earth ought to dread the having a bad *Precedent* made in a Case of *Liberty* and *Property*, I am humbly of Opinion, that the *English* more especially ought to do so. To speak plainly, I am afraid that our Proceedings at *Law* have been often too much influenced by one bad *Precedent*; and that a *Judge* and *Jury* have thought it a sufficient Defence of very extraordinary Actions, if they could but prove that something of the like kind (which passed uncensured) was done before in a Case of the same Nature.

I BELIEVE it might be shewn, that the Proceedings against a poor Wretch, whom no body thought worth minding, or worth defending, have been afterwards quoted and taken for *Law*, in the Cases of People of a much higher Rank, and who once imagined themselves not at all concerned at whatever became of him.

FROM this *Digression*, I proceed to give some Account of my Sufferings.

THE several Methods taken to oppress me, and the *Law-Suits* which have been stirred up against me, are almost numberless; but I resolve to confine my self in the following Sheets to the Usage I have met with from a certain Pair of Brothers; and to such Proceedings only as have been carried on against me under their Names.

I CONCEIVE I have an undoubted Right to lay the Behaviour of these two Brethren before the World, since the youngest of them, the Clergyman, thought proper to fall upon me first in the Publick News Papers, and to appear as the Champion both for himself and his Brother.

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I WOULD not willingly do this Gentleman the least Wrong; and I shall therefore be so *just* to him, as to let the Publick see whatever he has thought proper to say in the Defence either of his Brother or himself.

IN the *Appendix* to my Book, intituled, *A Letter to the King of Sparta*, (which has made some Noise in the World,) that I might clear my self from the Character Mr. *Walsingham* had given me of a litigious Man, and shew my Readers in what Manner I had *Law-Suits* forced upon me, I thought proper to print the Case between the Reverend Mr. *William Piers* and me. I did nothing more than barely print the *State of my Case*, as I had given it in long before to the most Honourable the *House of Lords*. My *Letter to the King of Sparta* drew the whole Band of *Mercenaries* upon me: The great Mr. *Ulrich D'Ypres* himself appeared at their Head, and led them on. But this little Army not gaining so compleat a Victory as their Patron probably expected from them, the Reverend Mr. *William Piers* was persuaded to mount the Stage, or at least to suffer his Name to be put to what Mr. *Walsingham* wrote for him. I am well assured, and the Reader will easily see, that the *first* Letter in the following Collection, was not wrote by the Reverend Mr. *Piers*: The *second* Letter, to which his Name is put, seems to have been wrote by *him* and his *Associate* together. But in his *two last Letters*, his Help-mate (who perhaps began to grow weary of his Company) has fairly left the Reverend and Charitable Divine to shift for himself. I am pretty well acquainted with his *Stile*, and am fully convinced that those two Letters are entirely his own.

D

ABOUT

ABOUT *eight Months* after the Publication of my *Letter to the King of Sparta*, the following Epistle first appeared in several News-Papers. I have taken it from the *Daily Post* of *June 12. 1731.*

To the Author of the Daily Post.

S I R,

“ THE Remoteness of my *Abode*, my Advancement in *Years*, and my general Unconcern about *Controversial Points*, have been the Occasion of this tardy Endeavour to *undeceive the World*, and do *Justice to myself*.

“ It is but lately a *Book* has fallen into my Hands, entitled, *A Letter to Cleomenes King of Sparta*, written by *Eustace Budgell Esq;* As the Concerns which my *ill Fate* has drawn me into with this *Gentleman*, induced me to a Perusal of this *notable Piece*, I could not but, with extraordinary Attention and Surprize, remark that Part of it which he calls *A True State of his Case*; and as I am, perhaps, the *Only Person* capable of detecting the *Falshoods* and *Prevarications* contained therein, I think myself obliged to give some Answer to it.

“ To set forth a *just Representation* of his *Case*, I should be forced to state it over again; but this I at present forbear, being convinced, that a *Law-Case*, stated in all its Circumstances, and clear’d, as *Truth* requires, from all the *Fucus* of *Oratory*, would be tedious, dry,

“ dry, and unprofitable to the *Reader*. Nor
 “ am I yet sensible, that Mr. *Budgell* is of Im-
 “ portance enough to interest the *World* in his
 “ *private* Affairs. I have been inform’d, in-
 “ deed, that he has endeavour’d to make him-
 “ self considerable at *Court*: But his Behaviour
 “ was so far from answering his Aim, that he
 “ drew on himself the *Imputation* of a *Disorder*;
 “ which, if true, would be the *best Apology* he
 “ can make for his *Deviation from Truth*.

“ Perhaps then it may be sufficient at this
 “ Time to declare, That *All the Facts* contain’d
 “ in his *Case* (on which he founds the *Injuries* he
 “ so highly complains of) are either *utterly false*,
 “ or so *gloss’d* and *misrepresented*, as to bear little
 “ Relation to *Truth*. There cannot be a more
 “ *flagrant Instance* of his *slender Regard* to *Vera-*
 “ *city* and *Honour*, than that *false and malicious*
 “ *Insinuation* of my being assisted by some rich and
 “ *powerful Person* (whom he frequently stiles
 “ his *Majesty’s Hero*) to ruin him. Whoever is
 “ meant by this *Sarcastical Title*, is not my Bu-
 “ siness to determine, though the *Conjecture* is
 “ easy; but I declare the *Justice of my Cause* is
 “ my only *Support*.

“ THIS *General Reply* to Mr. *Budgell’s* va-
 “ rious *Charges*, is more, perhaps, than the
 “ *World* is concern’d to know; the *particular*
 “ *Circumstances* of which (if his *Obstinacy*
 “ makes it requisite) will be best submitted to a
 “ *Court of Judicature* to decide. But if this
 “ *Gentleman’s Infatuation* should so far delude
 “ his *Judgment*, as to prompt him to call on
 “ me for a *Proof of Particulars*, I shall then be
 “ obliged to shew him to the *World* in his pra-

“ *per Colouring*; in which I shall observe a Con-
 “ duct contrary to his, as believing *Justice* is
 “ better distinguish’d by the *Simplicity of Truth*,
 “ than *Oratorical Embellishments*.

“ In the mean Time, Sir, I desire you would
 “ give this *Letter* a Place in your *Paper*; and
 “ that Mr. *Budgell* may know it comes from one
 “ who scorns to stab in the Dark, or assert what
 “ he is not able and ready to make good, I
 “ shall conquer my Aversion to *appearing in*
 “ *Publick*, and subscribe my Name,

N. Cadbury, May

WILLIAM PIERS.

26. 1731.

I SHOULD have taken no Notice of this Let-
 ter, had not I been told by that excellent Per-
 son, the late Earl of Orrery, who did me the
 Honour to call himself my *Friend*, That though
 I was in the Right to despise the common Herd
 of Scribblers, who never put their Names to
 what they wrote, and who were well known to
 be hired and paid for publishing Falshoods, and
 abusing the most valuable Men; yet that he
 thought the Case was very different, when an an-
 cient *Clergyman* appeared against me with so much
 seeming Solemnity, and set his Name to what
 he asserted. His Lordship was pleased to add
 That though he was himself fully satisfied how
 much I had been injured, yet that he could wish
 my Reputation stood as clear as possible with the
 Publick, that I might be the better enabled one
 Day to do my Country a substantial Piece of
 Service; and that he believed my greatest En-
 mies upon this Occasion, would hardly have the

Assurance

Affurance to prosecute me for a *Libel*. These Reasons coming from so great and wise a Man, determined me to publish the following Answer to the preceding Letter.

To the Author of *Fog's Journal*.

S I R,

" I HAVE, upon several Accounts, been
" under some Doubt, whether I should take
" any Notice of a Letter signed *William Piers*,
" of which I am the Subject, and which was
" published about ten Days since in several
" News-Papers.

" I am at last determined to say what follows in Answer to it.

" I am as fully satisfied, as of any one Proposition in the Mathematicks, that this Letter was not composed by the Reverend Mr. *William Piers*, who is an ancient Clergyman, and Rector of *North Cadbury* in *Somersetshire*. I know that Gentleman perfectly well; I, and many other People, do very well know his most particular Stile, and Way of Writing. Let any Man, who has but common Sense, read the Letter I am speaking of, and he will immediately see in whose Vindication the notable Piece was plainly drawn up; he will presently perceive where about the Shoe pinched, and may consequently be satisfied from what Quarter this Epistle did most certainly come.

" But though all who know the Reverend Mr. *William Piers*, do very well know that he is the furthest in the World from an *astive* Man, yet, since 'tis pretty plain he is extremely

“ tremely *passive*, I shall say something to a
 “ Letter to which I do believe he has permitted
 “ his *Name* to be tacked.

“ IT is certain I have had the Misfortune to
 “ be engaged in several Law-Suits, which have
 “ been commenced and carried on against me in
 “ the *Name* of this Gentleman; it is as certain,
 “ that I have done all a Man could do; that I
 “ have offered every Thing a Man could offer,
 “ who loved *Peace*, and would avoid *vexatious*
 “ *Suits*.

“ THE only real Dispute between this Gen-
 “ tleman and me, is for a small Copyhold
 “ Estate. Our Titles depend upon one plain
 “ *Fact*, which neither of us do or can deny. I
 “ have constantly proposed, I have even begg’d
 “ and intreated him, that we might lay our re-
 “ spective Titles before some learned and indif-
 “ ferent Council, and be finally determined by
 “ his or their Opinion. I do now openly make
 “ him the same Request; I conjure him, as he
 “ is a Christian, and a Clergyman, to comply
 “ with this Proposal; I hope I may call it a
 “ *fair* and an *honest* one.

“ I AM of Opinion, that the Title to an
 “ Estate, depending upon one uncontested *Fact*,
 “ is much more likely to be *fairly* determined
 “ by one or two eminent Council, at their
 “ Chambers, who can take what *Time* and what
 “ *Assistance* they please, than by a *Publick*
 “ *Trial*.

“ I HAVE heard, that at a *Publick Trial*,
 “ the Treachery or Carelessness of one Attorney,
 “ the Knavery of another, a biased JURY, or
 “ *Something* else which I could name, have of-

“ ten

“ ten occasioned the Loss of the *justest Cause*,
“ and the Destruction of the most *innocent*
“ Man.

“ IF Mr. *Piers*, as he has hitherto done, re-
“ fuses to comply with the Offer I make him, I
“ must submit it to the Publick, whether it is
“ probable, that an infirm and ancient Clergy-
“ man, who lives in *Somersetshire*, who has no
“ visible Income upon Earth but a Parsonage,
“ who grew old in a College, who left it not
“ many Years since, and was at that Time
“ notoriously known to be deeply in *Debt*; I say,
“ I must submit it to the Publick, whether any
“ Man in these Circumstances would chuse to
“ engage in, and to multiply Law-Suits in an
“ *uncommon Way*, if he was not supported in an
“ *uncommon Manner*.

“ THE Reader may see a true *State of the Case*
“ between this Gentleman and me, in the Ap-
“ pendix to my *Letter to the King of Sparta*;
“ and I shall venture to assure him, that 'tis
“ worth being perused by any Person who has
“ the least Notion either of *Law*, of *Equity*,
“ or of *Common Justice*.

“ THE Attorney first employed against me,
“ in these Suits, was Mr. *Bower* of *Somersetshire*;
“ and when I have named the *Man*, I believe
“ there is not one Gentleman in that County
“ who will not allow him to have been a pro-
“ per *Instrument* for the *Work* he was employ'd
“ in.

“ A GENTLEMAN of an excellent Judg-
“ ment and Understanding, and of as clear a
“ Reputation as any at the Bar, was a Witness
“ of

“ of the Offers I made to this Man, to prevent
 “ a Law-Suit, and how those Offers were re-
 “ ceiv’d.

“ A CERTAIN *Attorney*, residing in Town,
 “ (and who, from his Behaviour, I must call a
 “ *Gentleman*.) when he was let into the Nature
 “ of this Cause, and desired to carry it on
 “ against me, absolutely refused to be employed
 “ in it. Another was at last found, not quite
 “ so scrupulous, and Mr. Piers has had great
 “ Success in all his Proceedings against me.
 “ He is at present in Possession of two of my
 “ Estates; to which I think he has no more
 “ Right than any Person who reads this. I was
 “ advised to bring a *Writ of Error* in the House
 “ of Lords, to prevent his taking Possession of
 “ one of these Estates, when he had obtain’d
 “ a Verdict against me without entering into
 “ the *Merits* of the Cause, and by what I think
 “ I may justly call a meer *Trick*. Upon this
 “ *Writ of Error* I was condemned to pay, and
 “ he has received such Costs, as, I am assured,
 “ were never given, till that Day, upon a *Writ*
 “ of Error in the House of Lords since *Eng-*
 “ *land* was *England*. I humbly trust, that
 “ barely to mention a plain *Fact* cannot possibly
 “ give *Offence*: I did, and do submit to the
 “ Sentence of that most high and honourable
 “ Court with the utmost Humility and Resig-
 “ nation. My Enemies have at last lodged
 “ me in a *Prison*, and taken such Methods,
 “ since my Confinement, to compleat my Ruin,
 “ as I believe were scarce ever heard of be-
 “ fore.

“ It

“ IT seems *Money* is the Sinews of *Law*, as well as of *War*: I am sensible Mr. *Peirs*, however it happens, can afford to spend one hundred Pounds better than I can twenty Shillings: I am sensible, that though I believe he is not personally acquainted with ten People in Town, he has much more active Friends than any I am blessed with. In a Word, I am convinced, that at *this Time* it is to no Manner of Purpose for me to contend with him.

“ I WOULD, however, humbly desire him to remember, That People have got into the Possession of Estates, which they have afterwards been obliged to give up again. I have heard of a *Pair of honest Brothers*, (and I am sorry to say one of them was a *Clergyman*) who had a Mind to take their Mother's Jointure from her. In order to this, they put themselves in Mourning, went down to the Tenant, assured him their ancient Mother was dead and buried, took Possession of the Estate, and signed a Lease to the Tenant in their own Names. The Consequence of this was, That their poor old Mother must actually have starved, if she had not made a Shift to prove she was not *dead*, and if her Son, by a second Husband, had not assisted her to recover her Estate out of their Hands.

“ HOWEVER monstrous, however incredible, this Story may appear, yet, I fancy, if I am put upon the Proof of it, I can prove it beyond all Contradiction.

“ IT is very possible, that the Letter signed *William Peirs* is printed to tempt me to say

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“ some-

“ something that might draw down the Dis-
 “ pleasure of the most Honourable Court in
 “ *Great Britain* upon me, or, at least, subject me
 “ to an Information in the Crown-Office.

“ *THE King of Sparta* and his *Brother Ul-*
 “ *rick* may find, that though I dare not say all
 “ I could, I shall say something on such Occa-
 “ sions, and that the Law of *England* must be
 “ not a little strain’d, to make the necessary
 “ *Defence* of an unhappy Man *Criminal*.

“ I BELIEVE those People who thought it ne-
 “ cessary, for their own Security, to have it be-
 “ lieved I was *mad* and *distracted*, were in some
 “ Hopes that they had really done enough to
 “ have disturbed my Reason; if it is not dis-
 “ turbed, (and whether it is, or not, some of the
 “ *best* and *greatest* Men in *England* can at pre-
 “ sent testify,) I must, and do impute it to a
 “ particular Protection of Providence. May
 “ not one of my Fellow-Subjects, who reads this
 “ (though he has a much larger Estate, and a
 “ much stronger Head than I was blessed with,
 “ ever experience what it is to have nine or ten
 “ Law-Suits spirited up, and carried on against
 “ him at once; and to see that the Attorneys
 “ employ’d to torment him, though their pro-
 “ tended Clients have spent their Fortunes, and
 “ are little better than *Beggars*, never want Mo-
 “ ney to proceed; and that, to use their own Ex-
 “ pression, they *play all the Play*. May none
 “ of my Fellow-Subjects experience, as I have
 “ done, the *dark* and *horrid* Methods which
 “ Men in Power will sometimes take, to gratify
 “ either their *mean Jealousies*, or their *private*
 “ *Revenge*.

I HAVE

" I HAVE at present little left to lose but my
 " *Life*: Some of my Friends are firmly of Opi-
 " nion, That several uncommon Attempts have
 " been lately made to deprive me even of *that*.
 " I confess, I know not what to think myself;
 " yet thus much I cannot help saying, That I
 " do believe all Mankind would allow, that
 " some certain *Circumstances*, if they knew them,
 " are a little *odd*.
 " I HOPE I am not more afraid than other
 " Men are to meet *Death*. Thus much my Coun-
 " trymen and Fellow-Subjects may be assured
 " of: If I die in Confinement, I shall leave
 " some Memoirs behind me; and that if I live
 " to see the Day when I am sure that *Truth* and
 " plain *Matters of Fact* will not be call'd a *Li-*
 " *bel*, (as I think they ought not to be called in
 " a *free Nation*,) I have some Things to acquaint
 " them with which are extreamly well worth
 " their knowing."

I am, Sir, your humble Servant,

E. BUDGELL,

June the 26th.

THIS Letter produced another from Mr. *Peirs*;
 and I shall, without farther Ceremony, lay before
 my Readers both his Letters and mine, in the
 same Order as they were published in the News-
 Papers.

To the Author of the Daily Courant.

S I R,

AFTER the injurious Provocations given me by Mr. *Budgell* in his Letter to *Cleomenes*, &c. I was in hopes, the gentle and cautious Answer I gave him, would have induced him to make me, at last, a private Acknowledgment for the publick Wrongs he has offered to my Character; a prudent Regard to his own would have wrought this Disposition in him. But I find this Gentleman's restless Spirit so much over-powers his Judgment, that he will not suffer me to conceal from the World the Badness of his Nature; which will but too evidently appear from my displaying his Schemes and Projects to rob me of my Estate.

IN the State of his Case, (to which he again refers his Readers,) Mr. *Budgell* has been pleased to assert, That I am not the youngest Son living of Mr. *Jo. Peirs*, deceas'd, late of *Denton* in *Oxfordshire*; though it is a notorious Fact that I have been so more than thirty Years before our Controversy commenced. I beg Leave to ask, in this Place, what kind of Infatuation must possess the Man, who could hope to reap Advantage from such a Falsity, in which he was sure to be easily detected?

THE Dispute (and as this Gentleman says, the *only* Dispute) between us is for a Copyhold Estate; for which (as I have made it appear) he never gave any valuable Consideration.

“ration, no, not one single Penny. The Whole
 “of his pretended Title stands thus : When my
 “elder Brother made over to him some other
 “Estates, Mr. *Budgell* intreated, in a particu-
 “lar Manner, that This also might be thrown
 “into the Deed of Purchase. My Brother de-
 “murred upon this Request, knowing the Te-
 “nure of it such as he could not grant. To
 “whom Mr. *Budgell* urged this notable Per-
 “suasive :

“*Mr. Peirs, Let this also be thrown into the*
 “*Writings, with all the other Estates, since if*
 “*you have no Right to it, then you give me no-*
 “*thing ; and if you have, 'tis a Gift I shall be*
 “*obliged to you for.* Behold a new and artful
 “Manner, unknown to our Laws, of pur-
 “chasing Estates !

“DID I want the Determination of our
 “Courts of Equity to do me Justice, I should
 “not fear in so plain a Case, to appeal even to
 “Mr. *Budgell's* Resource of Justice, the *People* :
 “Nor should I think I had Occasion to make
 “use of his cajoling Arts to bribe their Voices.

“IN Contradiction to what Mr. *Budgell* has
 “basely published in his Case, I have full Au-
 “thority from the Reverend Master and Society
 “of *St. John's College, Cambridge*, to aver, That
 “they never did, either by themselves, or their
 “Council, assure or declare to Mr. *Budgell*,
 “that his Right or Title, in Opposition to
 “mine, was good. So far were they from
 “this, that they professedly declined entering,
 “one way or other, into the Merits of the
 “Cause. But upon Mr. *Budgell's* reiterated
 “Solicitations to be admitted their Tenant to
 “the

“ the Estate in Contest, when a Dispute arose
 “ among them in Regard to the Prejudices that
 “ might accrue to my Right by admitting
 “ another Person to the same Estate, Mr.
 “ *Budgell* accosted them over and over with this
 “ most emphatical Speech.

“ *Gentlemen! I give you so much (75 l.) to*
 “ *purchase a Law-Suit, which I cannot obtain*
 “ *till I am admitted.* This is the Gentleman
 “ who boasts he has offered every Thing a Man
 “ could offer, who loved Peace, and would
 “ avoid vexatious Suits! This Gentleman, who
 “ purchased an Estate without Money, and laid
 “ out a round Sum upon a Law-Suit!

“ I COULD mention several more Circum-
 “ stances in this, and other Cases equally de-
 “ clarative of this Gentleman's Honour and
 “ Conscience; but I shall be glad if these may
 “ be thought sufficient to justify my Proceed-
 “ ings, and save me from the hateful Character
 “ of a litigious Man. Unjust as Mr. *Budgell*
 “ has been to me, I have no Pleasure in expo-
 “ sing him: I would not add Weight to his
 “ Afflictions, nor triumph over him in his Mife-
 “ ries: And could I have vindicated my self by
 “ any other Methods, I would have shewn him
 “ the Extent of my Charity in hiding his Faults
 “ from the World.

“ IF in my former Letter I touch'd upon the
 “ Imputation of Madness, thrown upon this
 “ Gentleman, I declared I had no Intention to
 “ insult him; I mentioned it, but as it appeared
 “ to me the *best Excuse* for a *bad Conduct*: He
 “ wronged me, cruelly wronged me, by intima-
 “ ting, that *I was supported by a Great Man's*

“ *Purse*

“ *Purse to ruin him.* I scorn the vile Accusa-
 “ tion of being the Instrument of any Man’s
 “ Ruin, even of *Him*, who has been the greatest
 “ Plague of my Life.

“ I PITY Mr. *Budgell*, who could stoop so
 “ much below the Character of a Gentleman,
 “ to tell the World, *I left the College deeply in*
 “ *Debt ; and that I have no visible Income upon*
 “ *Earth, but a Parsonage ;* and from thence he
 “ infers the Improbability of my being able to
 “ carry on Law-Suits upon my own Bottom.
 “ What my Circumstances were when I left the
 “ College, or what they are now, concerns not
 “ the World to know ; nor does it become him
 “ to publish such wretched Stuff. I shall only
 “ inform him, there is such an Art as *Œconomy* ;
 “ by the Help of which a Man may be enabled,
 “ upon a moderate Income, to better his Condi-
 “ tion, and maintain his just Rights against
 “ base insolent Invaders. I thank God I am
 “ thus far enabled ; nor have I, nor seek I the
 “ Assistance of any Man’s Countenance or For-
 “ tune for the Occasion.

“ PASSIVE as Mr. *Budgell* would represent
 “ me, I do not think my self oblig’d to be so,
 “ whilst he ravishes from me and my Family
 “ my Estate. But to endeavour to persuade the
 “ World that I have passively permitted my
 “ Name to be put to a Letter, calculated to
 “ draw him into ruinous Snares, is a Falstity
 “ and Baseness which I have Temper enough
 “ to pass over with a proper Contempt.

“ I KNOW not what Mr. *Budgell* means by his
 “ pompous and pathetic Harangue about the
 “ Combinations of Men in Power to rob him of
 “ his

" his *Fortune, Liberty and Life*. Why is all this
 " *Fargon* addressed to me? I have nothing to
 " do with Great Men; and I wish I had nothing
 " to do with him. If he has offended such
 " Persons, or they, him;---what is that to me?
 " I am no Party in their Quarrel. Let Mr.
 " *Budgell* do me strict Justice, and I'll engage
 " to shew him all the Candour and Tenderneſs
 " that can be due to him from me, as a *Chriſtian*
 " and a *Clergyman*. He needs no softening Arts
 " to bring me to this Temper; it is my natural
 " Inclination, and my Desire to exert it.
 " SURELY Mr. *Budgell* would persuade us he
 " is a terrible Man, and one of vast Importance,
 " when he intimates that the *Great and Mighty*
 " are leagued together to compleat his *Destruction*;
 " and that even the *bigheſt Courts of Judicature*
 " are influenced in their *Determinations to this*
 " *Purpose*. Really, to me (who know nothing
 " of his Concerns with ſuch powerful Enemies,
 " and who am only contending with him for a
 " common Point of Right) theſe Things ſavour
 " of Madneſs; and I think my ſelf charitable in
 " ſuch an Imputation: In this View, I can re-
 " gard him with Concern and Pity. But if he
 " diſclaims, and grows offended at my Charity,
 " he will force me to change this mild Censure
 " for one of a much more ſevere Nature.
 " WHEN Juſtice gives her Sentence againſt
 " any Invader of another's Property, ſuch a
 " one, to ſcreen the Badneſs of his Cauſe, is
 " apt to inveigh againſt the *Treachery and Kna-*
 " *very of Lawyers, biaſſ'd Juries, &c.* I am
 " ſorry to ſee the ingenious Mr. *Budgell* reduced
 " to take up with ſuch trite Common-place
 " Cant,

" Cant, which deserves no Answer. Though
 " he says *there is something else which he could*
 " *name.* What that dark, mysterious, *Some-*
 " *thing* may be, I am not anxious to know.
 " That, perhaps, is reserved for the Subject of
 " those choice Memoirs with which he threatens
 " the World.

" 'Tis trifling, 'tis vile, to endeavour to force
 " a Belief upon Mankind, that *my Letter was*
 " *drawn up in Vindication of some other Person.*
 " Whom he means by that *other Person*, is easy
 " to conjecture, from the many Inuendo's he
 " has thrown out. If these are the Arts by
 " which Mr. *Budgell* labours to win the World
 " to espouse his Cause, may he succeed as Truth
 " befriends him. But if he is false in other his
 " defamatory Insinuations, as he is in this, I
 " must believe him the most unjust Man alive,
 " and least deserving the Compassion his Cir-
 " cumstances seem to claim: For I solemnly
 " protest to him, and the World, (if they are
 " pleased to read our Dispute,) I write for no
 " body but my self; I am seeking no Man's
 " Vindication but my own; and I am sorry
 " he has laid me under a Necessity of doing it
 " in so publick a Manner.

" I chuse to pass unregarded all Reflections,
 " or Hints of an invidious Nature, foreign to
 " the Dispute between us. Innocence is not apt
 " to take Offence at those wretched Artifices
 " which Men of low Minds are forced into,
 " either through the Impetuosity of an ungovern-
 " able Rancour, or in order to amuse Mankind,
 " and divert them from inspecting too closely
 " into a weak and wicked Cause. I can smile

F

" at

“ at the harmless Darts of Malice; and even
 “ grieve for the miserable Archer, when I see
 “ them recoil and wound his own Breast.
 “ HE judges right, when he represents me
 “ unfit to perform an active Part in Life; (tho
 “ I hope I may be allowed to aim at a sincere
 “ and honest one;) nor Years, nor Inclination
 “ serve me for that Purpose. Old and infirm
 “ as I am, I would spend the Remainder of
 “ my Days in religious Peace. In return
 “ therefore to his pathetick Strain, I conjure
 “ Mr. *Budgell*, as he would be thought a Gen-
 “ tleman and a Christian, *at last* to submit to
 “ Justice; and end our Strife. That once done
 “ I promise him to pray for a happy Conclu-
 “ sion to All his Troubles; for his Peace and
 “ Prosperity in all just Undertakings; and
 “ assure him, he never more shall be disturbed
 “ by his and

Your humble Servant,

North Carbury,
July 12. 1731.

WM. PIERCE

To the Author of FOG's Journal.

S I R,

I Entreat you to lay before the Publick the following Reply to a Letter published last Thursday seven-night in the Daily Courant.

IN my Answer (published in your Journal) to the first Letter sign'd *William Piers*, which appeared in our News-Papers, I affirmed, that I long since offered every Thing a Man could offer, who loved *Peace*, and would avoid those *oppressive* and *vexatious Suits* which have been carried on against me in this Gentleman's Name. I publickly offered him once more, to refer the Dispute between us to any learned and indifferent Council, and conjured him to accept of so *fair* a Proposal.

"Mr. *Piers*, (or he that writes for him,) in his long Reply to me, which fills three whole Columns in the *Daily Courant*, says nothing to all this: He neither gives the least Reason why he will not comply with my *honest Proposal*, nor vouchsafes to take any Manner of Notice of it. His most remarkable Silence on this Head must surely give all observing Readers a full Notion of the Completion of his Cause.

"SOMETHING he was obliged to say: Let us see what he does say.

"HAVING observed, in the first Paragraph of his Letter, that *I will not suffer him to conceal from the World the Badness of my Nature*, he immediately proceeds to shew it in the following Words.

"IN the State of his Case, (to which he refers his Readers,) Mr. *Budgell* has been pleased to

“ assert, That I am not the youngest Son living
 “ of Mr. J. Piers, deceased, late of Denton in
 “ Oxfordshire ; though it is a notorious Fact,
 “ that I have been so more than thirty Years before
 “ our Controversy commenced. I beg Leave to
 “ ask, in this Place, what kind of Infatuation
 “ must possess the Man who could hope to reap
 “ Advantage from such a Falstity, in which he
 “ was sure to be easily detected ?
 “ I AM sorry, heartily sorry, to tell a Gentle-
 “ man in Holy Orders, that the very first Fact
 “ he affirms in his Letter, the Fact of which he
 “ assures his Readers, and argues upon in so
 “ solemn a Manner, is a most notorious, and
 “ most flagrant Falshood. I do not where as-
 “ sert, in the State of my Case, that Mr. Wil-
 “ liam Piers is not the youngest Son living of
 “ his deceased Father, Mr. J. Piers, or any thing
 “ like it : On the contrary, I always did, and
 “ still do, most readily grant, that he is so.
 “ I join Issue with Mr. Piers upon this plain Fact,
 “ and am content, that my whole Credit with
 “ my Readers shall stand or fall upon this single
 “ Point. Either Mr. Piers, or I, do certainly
 “ assert a most shameful Falshood ; and which of
 “ us does so, every Man in England may be sa-
 “ tisfied who will but give himself the Trouble
 “ to read over the short, but most remarkable
 “ State of my Case, in the Appendix to my Letter
 “ to the King of Sparta. Does Mr. Piers (or
 “ Mr. Walsingham, who may possibly write for
 “ him) call this observing that Simplicity of Truth
 “ which he promises to use in his first Letter ?
 “ Have I not a just Right to turn his own
 “ Words upon him ? viz. *What kind of Infatua-*
 “ *tion must possess the Man who could hope to reap*
 “ Advantage

“ Advantage from such a Falſity, in which he was ſure to be eaſily detected ?

“ THE Reverend Mr. William Piers pretends, that he appears in Print to juſtify his Character and Reputation : In my Answer to his firſt Letter, ſpeaking of thoſe Tricks by which he has got into the Poſſeſſion of two of my Eſtates, I uſe the following moſt remarkable Words.

“ I would, however, humbly deſire him to remember, that People have got into Poſſeſſion of Eſtates, which they have afterwards been obliged to give up again. I have heard of a Pair of honeſt Brothers, (and I am ſorry to ſay one of them was a Clergyman,) who had a Mind to take their Mother's Jointure from her. In order to this, they put themſelves in Mourning, went down to the Tenant, aſſured him their ancient Mother was dead and buried, took Poſſeſſion of the Eſtate, and ſigned a Leaſe to the Tenant in their own Names. The Conſequence of this was, that their poor old Mother muſt actually have ſtarved, if ſhe had not made a Shift to prove ſhe was not dead, and if her Son by a Second Huſband had not aſſiſted her to recover her Eſtate out of their Hands. However monſtrous, however incredible this Story may appear, yet I fancy, if I am put upon the Proof of it, I can prove it beyond all Contradiſtion.

“ IN the preceding Paragraph I ſtrongly intimate, that a certain Clergyman had been guilty of an Action which no body can hear without the utmoſt Horror. How many Wretches do almoſt daily ſuffer an ignominious Death for a leſs Crime ? What innocent Man, who was
“ defending

“ defending his *Character*, would not, at least,
 “ have asked, *How does this horrid Paragraph*
 “ *relate to me?* Mr. Piers, in his long *Epistle*,
 “ does not once touch upon it, but (for *Reasons*
 “ best known to *himself*) preserves a most pro-
 “ found and amazing *Silence* on this Head. I
 “ enter upon it with great *Reluctance*, when I
 “ consider the *divine Character* this Gentleman is
 “ vested with; but since I have not Time to de-
 “ tect all those *Falshoods* I find him capable of
 “ asserting, I must humbly entreat him to give a
 “ plain and direct Answer to the following *Que-*
 “ *ries*. When he answers these *Queries*, I be-
 “ lieve, the Publick will soon be convinced
 “ whereabouts *Justice* lies; and whether they
 “ ought to credit Mr. Piers, or me, whenever
 “ we differ about *Matters of Fact*.

Quere 1. “ If Mr. Piers only relies on the
 “ *Justice* of his Cause, and not on *some Things*
 “ which he knows I dare not *name*, why will he
 “ not submit the Dispute between us to be de-
 “ termined by any eminent and indifferent Coun-
 “ cil learned in the Law?

Q. 2. “ Was not the very *Estate* in Dispute
 “ between us, his *Mother's Jointure*; and did
 “ not he and his eldest Brother, *J. Piers*, of
 “ *Denton*, go down to the Tenant, by Name
 “ *Robert Pazez*, and assure him their Mother
 “ was *dead*, though she was really *living*?

Q. 3. “ Did they not actually take Posses-
 “ sion of the *Estate*, and persuade the Tenant to
 “ accept of a *Lease* from them, which they both
 “ signed?

Q. 4. “ Why should Mr. *William Piers* per-
 “ suade his *eldest Brother*, from whom I pur-
 “ chased,

“ *chased*, to sign a *Lease* to the Tenant, if he
 “ thought his said Brother had no Right to this
 “ Estate ?

Q. 5. “ MUST not his *old Mother*, a very good
 “ *Woman*, have wanted Bread, if her Son by her
 “ Second Husband, the Reverend Mr. *Cade*, a
 “ worthy Clergyman still living, had not taken
 “ Care of her, and forc’d the two Mr. *Piers* to
 “ restore her Estate ?

Q. 6. “ CAN Mr. *Piers* possibly except to
 “ Mr. *Cade*’s Evidence, in relation to the several
 “ Matters contained in the four last Queries ?

“ I THINK, I never saw Mr. *Cade* above
 “ twice or thrice in my Life ; but I am assured,
 “ he has the Character of a most *worthy, honest,*
 “ *plain* Man, who edified his Parishioners more
 “ by the filial *Love* and *Respect* he shewed to his
 “ *Mother*, than some Clergymen do by an hun-
 “ dred Sermons. All who know him are fully
 “ satisfied, that Nothing but the *Force of Truth*
 “ could oblige him to assert *Facts* so much to the
 “ *Disgrace* of his *Brother*, and a *Man* of his own
 “ *Order*.

“ IF Mr. *Piers* will vouchsafe to answer the
 “ several Queries above, I am sure, the World
 “ will soon have a proper Notion, both of *him*,
 “ and the *Motives* he acts upon ; and, that I need
 “ not detect all the *Falshoods* advanced in his
 “ Letter. Can any Man of *common Sense* be-
 “ lieve what he endeavours to prove, namely,
 “ that I purchased the Reversion of his Bro-
 “ ther’s Estate, without paying a single Penny
 “ for it ? When his Brother had shewn me his
 “ *unhappy* Circumstances, and begged me, for
 “ above a *Twelvemonth* together, to buy the Re-
 “ version

“ version of his Estate, I paid him 800 l. for
 “ at one Time, as may appear by the Purchase
 “ Deeds : I likewise forgave him *several Sums* of
 “ Money, which I had lent him before in his
 “ Necessities, and reckoned him Nothing for all
 “ the Pains, and many long Journeys I was
 “ obliged to take, in order to settle his Affairs
 “ I may safely affirm, and he himself has own
 “ ed in *Twenty Letters*, that I preserved him
 “ from *utter Ruin*. How I have been requir
 “ ed by this *honest Pair of Brothers*, by what *Pe*
 “ sons, and with what *Views* they have been *sup*
 “ ported and encouraged to multiply and carry
 “ on Law-Suits against me, is pretty notorious
 “ to a great many People, and what I shall now
 “ now enter into.

“ I BELIEVE this *Purchase* has proved to me
 “ the *dearest Purchase* any one Man in *England*
 “ ever made of so small an Estate.

“ I WILL not trouble the Reader with de
 “ tecting at large a *mean Falshood* in that Part
 “ of *Mr. Piers's Letter*, where he mentions the Ma
 “ ter and Society of *St. John's College*. This
 “ learned Society has no manner of Interest in
 “ the Dispute between me and *Mr. Piers* ;
 “ it was not their Business to declare to me by them
 “ selves or their Council, that my Title was good
 “ neither do I any where assert that they did
 “ They admitted me their Tenant ; which is more
 “ more than they were in Justice obliged to do
 “ yet I must acknowledge, I was received and
 “ treated in so genteel a Manner by the *ch*
 “ Members of this learned Society, that I sh
 “ think my self obliged to serve their College
 “ if ever it happens to lie in my Way. I might
 “ ver

very well tell them, *I had purchased a Law-Suit*; I might have said *half a dozen Law-Suits*.

“ I MUST make a short Remark on the *Language* with which Mr. Piers (or his Secretary) has treated me. The several Epithets of *base, vile, insolent, &c.* which he so freely confers upon me, seldom become the Pen of a Gentleman; much less do they agree with that amiable *Humility* which always appears in a good Clergyman.

“ THERE are likewise particular Reasons, why these Words are not quite so decent from Mr. Piers to me. His *Wife* was my Aunt's *Servant* many Years, and lived in my Father's Family. The *Money* she got in her *Service*, with a generous *Legacy* her Mistress left her, did, I am told, serve to pay off some of Mr. Piers's most troublesome *Debts*. In consideration of her being a *Servant* in our Family, I sold her an *Annuity* on my paternal *Estate*, for *two Years* Purchase less than she must have given another Man. I should scorn to mention these *Particulars*, if Mr. Piers and his *Lady* did not shew me they had quite forgot them, and if they had not been drawn from me by such hard Epithets as *BASE, VILE, and INSOLENT*.

“ I HAVE done with Mr. Piers, but must say a Word or two to those who assist him, and sculk behind his *Name*. I cannot take it amiss, that I am used in the same Manner with a Gentleman whose *Abilities* and *Fortune* are so vastly superior to mine; ----- I mean Mr. Pu-----y. This Gentleman had as fair a Re-

"putation as most Men in *England*; but he
 "sooner attempted to do his *poor Country* a mo
 "necessary and important Piece of Service, than
 "in order to *divert* him from it, his *privat*
 "Character was attacked with the utmost M
 "lice. The best of it is, the whole World se
 "through these *Plots*. I do assure the *King*
 "*Sparta*, they shall never succeed on me; an
 "that, though I may make a *short Excursion*
 "my *own Account*, it shall never *divert* m
 "from doing what, I hope, may be for th
 "Good of my *Country in general*.

I am, Sir, your most humble Servant,

E. BUDGE

To the Author of Fog's Journal,

S I R,

"YOUR Paper is so generally read, th
 "if you please to publish the enclose
 "Letter, I shall make no Doubt of its fallin
 "into the Hands of that Gentleman to wh
 "it is directed.

I am, Sir, your most humble Servant,

E. BUDGE

to the Reverend Mr. William Peirs, Rector of
North Cadbury in Somersetshire.

S I R,

HAVING, I hope, in my last Letter, which was published in this Journal on the seventh Instant, given a full Answer to the several *Facts* you were pleased to advance; having detected you of asserting a most *flagrant Falshood*, which you yourself knew to be a *Falshood*; and lastly, having proposed to you some certain *Queries*, to which when you give a plain Answer, I believe the Publick need be no longer troubled with our Controversy, I shall in this Letter say something to that *Air of Religion* which runs through all your last *Epistle*, and of which I have yet taken no Notice.

"I BEG Leave to inform you, Sir, that we live in an *observing*, though in a very *wicked* Age; in an Age when People do not much mind Mens *Words*, when they see them contradicted by all their *Actions*; and when the Vulgar, if they see a Man, who, while he talks of *Heaven* and *Charity*, sticks at Nothing to get *Money* and *Preferment*, are very apt to fancy that such a Man looks upon *Religion* only as a *Trade* to acquire *Riches*, and does not himself believe one Word of all the *Stories* he tells. Give me Leave to lay before you the *Part* you have *acted*, with relation to me.

"I CONCEIVED, at least, that I was most cruelly injured and oppressed by a certain Per-

“ son; and that, to say nothing of *Justice* and
 “ *Humanity*, he had treated me with the *basest*
 “ *Ingratitude*. I offered to make good the
 “ Charge against him, before one or more of his
 “ own best Friends. In order to drown my
 “ Complaints, the *Band of Mercenaries* were im-
 “ mediately ordered to fall upon me. One of
 “ them, a Fellow who is notoriously known to
 “ receive a *Weekly Salary* (besides particu-
 “ Sums on extraordinary Occasions) for abusing
 “ Mr. *Pulteney*, the late Lord *Bolinbroke*, and your
 “ humble Servant, had the Assurance to repre-
 “ sent me to the Publick, in a Pamphlet which
 “ he wrote against me, under the *worst* of Char-
 “ racters, namely, that of a *litigious Man*, who
 “ loved and fomented Law-Suits. In order to
 “ shew the Injustice of this Aspersions, to shew
 “ in what Manner I had Law-Suits forced upon
 “ me, and was hunted through all the Courts
 “ I thought proper in my *Letter to the King*
 “ *Sparta* to publish the Case between you and
 “ me. I could have said much more, and have
 “ opened such a Scene, as, I believe, would have
 “ made every Gentleman in *England* start at the
 “ Sight of it; but I only printed the *State*
 “ *my Case* verbatim, as I had before given
 “ into the most honourable House of Lords
 “ You are treated in that Case with the utmost
 “ Tendernefs, as an ancient Clergyman, who
 “ possibly might not know of all the *Injustices*
 “ and *Oppression* that had been committed un-
 “ der your Name. My *Letter to the King*
 “ *Sparta* drew all the *Mercenaries* afresh upon
 “ me. I was attack’d by *Osborne*, the Hy-
 “ *Doctor*, and *Walsingham*, with his Excellency
 “ M

Mr. *Ulrick D'Ypres* at their Head. No *Scurrilities* were omitted, which they imagined might provoke me to some *Imprudence*. Having answered, in the Opinion of most People, whatever these worthy Gentlemen had to say to me, I find, Sir, you are at length commanded to mount the Stage, or, at least, to allow your *Name* to be tack'd to what Mr. *Walsingham* writes for you. It is certain that you make your Appearance a little of the latest; I believe it is now about *eight Months* since my *Letter to the King of Sparta* was published; and above *three Years* since that *State of my Case* was first printed, which gives you, it seems, so much *Uneasiness* at present, after you had been so long *silent*.

" IN your first Letter, which you printed both in the *Daily and Evening Post*, you only thought proper to deny, in *general*, the several *Facts* mentioned in the *State of my Case*; but then you threatened, that

" If my Infatuation should so far delude my Judgment, as to prompt me to call on you for a Proof of Particulars, you should then be obliged to shew me to the World in my proper Colouring.

" You added, That

" You should observe a Conduct contrary to mine, as believing Justice is better distinguished by the Simplicity of Truth.

" IN my Answer to this terrible Letter, I still ventured to assert the Truth of the State of my Case, upon which you set about the Work you had promised the Publick, viz. to shew me to

" the

“ the World in my proper Colouring, and to
 “ distinguish Justice by the Simplicity of Truth.

“ THE very first Step you took in this laudable
 “ Undertaking, after having demurely expressed a most christian-like Concern, that my Imprudence would not suffer you to conceal from
 “ the World the Badness of my Nature; I say, the
 “ very first Step you took after this pious Preface
 “ was to affirm a downright Falshood; to affirm
 “ a Fact which you knew was false at the Time
 “ you affirmed it, and which every Man in
 “ England may see is false, who will but peruse
 “ the State of my Case, in the Appendix to my
 “ Letter to the King of Sparta.

“ PARDON me, Sir, if I am a little free
 “ with you upon this Occasion; I am fully convinced, that you are only made use of by
 “ some People to divert me from executing
 “ Design they suspect I am upon, and which I
 “ have Reasons to believe, gives them some Uneasiness. But this notable Plot shall not succeed, if I can help it. I do assure you, Sir
 “ that till you can prove (which I defy you to
 “ do) that you have not knowingly and wilfully
 “ told the Publick a most flagrant Falshood, and
 “ till without any Shuffling or Prevarication you
 “ give a direct and full Answer to the six Questions I proposed to you in my last Letter, I
 “ shall take but very little Notice of any Thing
 “ you can write against me, or of any Thing
 “ published in your Name.

“ I AM told (I do not assert it on my own
 “ Knowledge) that when you went down to
 “ St. John's College, to get yourself admitted
 “ to the Estate in Dispute between us, you assured

fired the College, that you was your Father's youngest Son at the Time of his Decease; and had this Fact been true, your Title to this Estate had been unquestionable; the Custom of the Manor in which it lies being *Burrough English*. But, Sir, you very well know, that when your Father died, you had two younger Brothers, *Edward* and *Laud*; your Father purchased this little Estate, which was surrendered to the Use of himself and his Wife, and the longest Liver, and afterwards to the Use of his Heirs. Upon his Decease, the Reversion of this Estate, after his Wife, became vested both by his last *Will*, and the Custom of the Manor, in his youngest Son *Laud Peirs*, who dying intestate and unmarried, it fell to his Heir at Law, namely, to his eldest Brother *John Peirs*, from whom I bought it, and who has surrendered it to my Use.

"THIS, Sir, is my Title; which I am assured by the unanimous Opinions of a great Number of the most eminent Council in England, is as clear as the Sun at Noon-Day. Every Gentleman who understands the Law must see that it is so. I am well assured, that you yourself (and a greater Man than yourself) do know that it is so; and this will serve to account for your constantly refusing to submit the Dispute between us to the Judgment of any learned and indifferent Council.

"LET me intreat you, Sir, to reflect a little seriously upon what you are doing. It is very possible, that by meer Dint of Money you may oppress me some Time longer. It is possible

" possible Things may be so settled, that an hundred Law-Suits may cost you *Nothing*; but though you was even sure to get a *Bishoprick* by the Part you are acting, you would, methinks, do well to remember, that you could not long enjoy your Grandeur. Though you talk of your *Family* in your *Letter*, you have none to provide for that I know of; you have had no *Child* by your *Lady*; you were both ancient Persons when you came first together.

" You are contributing all in your Power to the Ruin and Confinement of a *Man*, to whom your Brother had great *Obligations*, to whose Family your *Lady* had some, and who always treated you with the utmost Civility.

" INSTEAD of all those *fine Things* mentioned in your *Letter*, such as the *Extent* of your *Charity*, your *Aims* at *Sincerity* and *Honesty*, and the *Benefit* of your *Prayers*, which on some certain *Conditions* you allow me to hope for, I shall think myself infinitely obliged to you if you will but condescend to do me *strict Justice*, and leave the Determination of what is so, to some worthy and impartial Person or Persons, learned in the Law.

" I SHOULD imagine your complying with the Request I now make you, should not be the most unlikely Method towards your attaining that *Religious Peace*, in which you assure all your Readers, you desire to spend the *Remainder* of your Days.

" IT is with Reluctance that I do any Thing which may expose the Character of a *Minister* of the Church of *England*; you have forced

me to say what I have said; do not oblige me to proceed; I am, perhaps, not so much a Stranger to some *Passages* in your Life, and to some *Management* in the Law-Suits between us, as you may imagine.

"I HAVE ever had the utmost Respect for a good Clergyman: I am proud to own, that I am myself in a double Capacity a Son of the Church of England. My Mother, whose Name is still famous in the West of England for her *Virtue*, her *Piety*, and her *Beauty*, was the only Daughter of a Gentleman whose *Merit* raised him to the highest Order in the Church; and I have the Pleasure to hear, that my Grandfather was no *Disgrace* to the Bench of Bishops, when several Prelates sat upon it, whose *Actions* were a Proof that they preferred the *Testimony* of a good Conscience, and that *Duty* they owed their Country to their own private Interests.

"BUT though I am a Son of the Church, I must confess I have been much more conversant in the Writings of *Ancient Philosophers*, than of *Modern Divines*.

"IN Return to your promising to pray for me, on some certain Conditions, for which Promise (however limited) I most heartily thank you; I beg Leave, Sir, to submit the following Article of my Creed to your serious Consideration and Judgment.

"I do humbly hope, and stedfastly believe, that *Justice*, *Gratitude*, *Honour*, and *Humanity*, though they are *Virtues* recommended to us by a Pack of *Heathen Writers*, are not ut-

H

"terly

“terly inconsistent with the Precepts of the
“*Gospel*, and the Doctrine of *Christianity*.”

I am, Sir, your most humble Servant,

E. BUDGELL.

To the Author of the Daily Courant.

S I R,

“**B**Y laying the inclosed before the Gentle
“man to whom it is addressed, you will
“oblige

Your Most Humble Servant,

W. PIERCE

To EUSTACE BUDGELL *Esq;*

S I R,

“**I**T must be confessed you have an admir
“ble Faculty at raising a Mist, and bafflin
“the Inspection of superficial Observers; fo
“such only are to be blinded with your *Orat*
“*rical Rubbish*. Yet I make no Question b
“*Truth* will be strong enough to dispel all the
“Clouds, and expose the shameful Nakedne
“of your Designs and Actions to full View.
“My remote Abode (the Distance of abo
“an hundred Miles) affords you one Advantage
“indeed

indeed ; by living near the *Press* you can attack me one Week, and sing your Triumph for it the next ; and all this e'er I can well have Notice of your Advances. But elate as you may strut with your *fancied Victory*, *Truth* (though late) will surely prevail ; and well for you if she reduces you to sing your *Recantation* ; the only Method you can take to do *Justice* to me and all those whom you have *obliquely calumniated* through me.

“ You begin your *Triumphal Ditty* with having fixed, as you say, a most flagrant Falshood upon me. How does that appear? Why I took Notice in my last Letter, That in the *State* of your *Case* you asserted, *That I was not the youngest Son living of Mr. John Peirs, deceased, &c.* though as I told you I had been so upwards of thirty Years before our Controversy commenced ; you now deny that you ever said any Thing like this. Near the Beginning of your *Case* I found these Words :—William Peirs, *the second Brother, who was neither his Father's nor his Mother's youngest Son at the Time of their Death, went down to Cambridge, &c.* These Words I did and do still understand in the Sense I have put upon them ; in no other could they be of any Service to you. But if you, or the more *intelligent Reader*, will fix any other Construction upon them, I shall think it no Disgrace to confess the *Error* of my *Judgment* ; which is all I can be chargeable with in this Place. Supposing me mistaken ; can such a Mistake justify the Torrent of foul insulting Language, which you pour upon me? But

“ I can excuse you, Sir ; it was necessary for
 “ you to catch hold on any Trifle, and grow
 “ outrageous upon it, in order to ferment your
 “ Readers Passions, that they may be less at-
 “ tentive while you more carelessly slide over the
 “ more material Points, and make use of all the
 “ evasive Finesse which your *Skill in Law Chancery*
 “ canery can furnish you with.

“ THAT I do you no Injustice in this Charge
 “ will evidently appear in my Notice of your
 “ *Queries*, wherein (though quite foreign to our
 “ *Dispute*) you stuff more scurrilous *Ribaldry*
 “ than any one but yourself would venture to
 “ dawb a *Chancery Bill* with. This kind of
 “ Artifice (pardon my Allusion) resembles that
 “ of a cunning *Thief*, who first rolls a *Gentle*
 “ *man* in Mud to frighten all Assistants from
 “ him, that he may be left to pick his Pockets
 “ in Safety.

“ IN your Letter printed in the *Grubstreet*
 “ *July 29.* you charge me with another Fal-
 “ hood, in misrepresenting your Concerns with
 “ the *Society of St. John's College*. You say
 “ *It was not their Business to declare to me by them-*
 “ *selves, or their Council, that my Title was good.*
 “ Neither do I any where assert that they do
 “ Let us now see what the Case says, p. 7.—
 “ *And Mr. Budgell being assured by all the Coun-*
 “ *cil be consulted, that his Title was good,*
 “ *laid the same before St. John's College; and*
 “ *being likewise assured by their Council that*
 “ *Estate was Mr. Budgell's, admitted him to it.*
 “ If neither the *College* nor their *Council* assure
 “ you of this their Determination, how can
 “ you to know it? Here then is a flat Con-
 “ tradiction.

“tradiction of your own Assertion; which you
“can never evade, but by a Quibble unworthy a
“Man of common Sense. But I must fix on you,
“in this Place, a double Falshood; 1. of *con-*
“*tradicting yourself*; 2. of *abusing that Society*;
“for they acquainted me by Word of Mouth
“and Writing also, That they could not at all
“interfere with respect to *Title*. You conclude
“this Paragraph with adding, — *I might*
“*well tell them I had purchased a Law-Suit*.
“Yes, Sir, and it must be confessed you have
“most admirably accumulated your Gains; for
“with that *Law-Suit* you have purchased also
“a most infamous Character. I wish you Joy
“of your Bargain.

“To the third Article of my last Letter you
“reply, — *Can any Man of common Sense be-*
“*lieve what he endeavours to prove, namely, that*
“*I purchased the Reversion of his Brother's Es-*
“*tate, without paying a single Penny for it?*
“Really, Sir, as I believe no Man of common
“Sense and Honesty would have acted as you
“have done, I shall not wonder if they stand
“aghast at your Conduct. But that you did
“purchase (if I may so call it) *this Estate with-*
“*out paying a single Penny for it*, my Brother
“not only did, but does still certify, and de-
“clares he never *sold*, but only *gave* it you. But
“if my Brother may be suspected in this Decla-
“ration, I shall corroborate his Evidence with
“your own Confession. I know, Sir, you have
“occasionally a very bad Memory; but old
“and infirm as my Body is, my Mind is yet
“strong enough to retain a Conversation which
“pass'd between you and me about nine or ten
“Years

“ Years since. I then asked you, What was
 “ the *valuable Consideration* you paid my Bro-
 “ ther down for *this Estate* now in Contest? You
 “ immediately replied, — *None.* — You on-
 “ ly added, *That there ought to be some Consider-*
 “ *ation had on Account of 800 l. paid down, (for*
 “ *other Estates purchased of my Brother,) and*
 “ *which had lain dead a long Time.* That the
 “ 800 l. paid down was not a bare Equivalent
 “ for the *other Estates*, exclusive of this *Essex*
 “ Estate, does plainly appear, and will be yet
 “ attested by my Brother.

“ THESE, Sir, were the *Articles* contain’d in
 “ my last to prove in part the *Falshoods* and
 “ *Prevarications* contained in the *State* of your
 “ *Case.* How you have cleared yourself of
 “ them, let the World judge.

“ BUT supposing that *this Estate* was sold to
 “ you, and you paid the Worth of it; yet if
 “ it was another Man’s Right, *Caveat Emptor*,
 “ must I forfeit my *just Title*, if you bought a
 “ *bad One*? Prove your *Purchase-Money* paid,
 “ and *claim* it of him who gave you a false *Title*
 “ for it. But you know too well you did not
 “ buy with any *Coin* but *inveigling Words*, which
 “ I must again confront you with. — Mr.
 “ *Peirs*, you cried, *throw this also into the Wri-*
 “ *tings with all the other Estates; since if you*
 “ *have no Right to it, you give me nothing; and*
 “ *if you have, it is a Gift I shall be obliged to you*
 “ *for.* By this Artifice you *ensnared* my Bro-
 “ ther, laid the *Foundation* of a *Law-Suit*, and
 “ gain’d — what? *Shame* and *Distress*; the
 “ *just Rewards* of such *foul Practices*.

“ NOR

“ NOR can it be forgot, That on your ill Success in that Trial at *Chelmsford* in *Essex*, (*March* 8. 1726-7.) you could not forbear at that Time expostulating with my Brother, (from whom you pretended to purchase the *Estate* in Contest,) and upbraiding him with his Endeavours to defraud me of this *Estate*; notwithstanding you had set up his Title (by which you now claim) against mine, by Means of the abovementioned Fraud.

“ THIS, Sir, you will say is being free with you: I am necessitated to be so; and to detect the Vileness of your Nature. Yet sure Decency and Good Manners (whose Limits I would not willingly transgress) will not rebuke me for affixing such Epithets as your Actions call for.

“ Now, Sir, to your *Queries*. — In your first you ask me, Why I will not submit the Dispute between us to be determined by some eminent Counsel learned in the Law? To this I answer, Because I was first and justly admitted, and am still in legal Possession of my Right; which I believe no Man would ever give up, to have his Title canvass’d afresh at the Caprice of an insolent Pretender. Would you, Sir, do this? Persuade the World to believe it, if you can; and when that Day comes, I shall also believe you may gain Credit for all the Scurrilities you have, or may invent. In the mean Time, if you think you have a better Title to my Estate, make it appear, and I declare to the World I will do you Justice.

c

“ YOUR

“ YOUR second Query, and the following
 “ ones, which are built upon it, contain the
 “ most cruel of Charges; a Charge which my
 “ Soul shrinks at, and detests, as much as I do
 “ you, Sir, the wicked Inventor or Publisher of
 “ it. The Sum of it is this; — *That my Bro-*
 “ *ther and I put ourselves in Mourning, went to*
 “ *the Tenant, by Name Robert Pazez, and as-*
 “ *sured him our Mother was dead, (though living*
 “ *at the same Time,) in order to seize her Join-*
 “ *ture; that we did so, and turn'd her out a star-*
 “ *ving; which must really have been her Case, had*
 “ *not her Son Mr. Cade relieved and reinstated her*
 “ *in the Possession of her Estate.* This, as I take
 “ it, is the Substance of your Charge. *As to*
 “ *my Share in the Scandal, I do solemnly aver,*
 “ *upon my sacerdotal Word, it is as basely*
 “ *false, as it is barbarously malicious.* That
 “ Mr. Cade may have his Reasons for dressing
 “ up this horrid Story, I am well aware; what
 “ those are, I scorn to publish till I am pro-
 “ voked by him. In the Interim, Sir, I chal-
 “ lenge you to make good your Charge. Let
 “ both our Credits depend upon it; and may
 “ *lasting Infamy* fall on one of us! on me, if
 “ I am proved guilty of the Facts; on you, if
 “ you have unjustly accused me; and may your
 “ future Credit stand or fall by this Trial of
 “ your Honour and Veracity.
 “ I SHOULD take no Notice of your con-
 “ temptuous Treatment of my Wife, was it not
 “ to shew you, (I wish it may be to the Convi-
 “ tion of your Conscience,) that *Truth* and you
 “ are *irreconcilable Foes.* 'Tis strange you can
 “ not relate a trifling Circumstance without fal-
 “ sifying

sifying it. Remember, Sir, my Wife was a First-Cousin to your Aunt; under whom she received her Education, and with whom she lived as a Companion, not a Servant, as you maliciously and foolishly declare. That *her Wages paid my Debts*, is an Assertion of yours of the same Complexion with the rest, *false and silly*.

“WHO could sink into such *Scurrilities* as these but you, Sir, who are so remarkable a Diver into *Filth and Falshood*? You who can rake the darkest Abyss of Invention for Matter of *Defamation*.

“I FIND, Sir, you are still resolved to tack my *private Vindication* of myself upon the *political Writers*, nay more, to impute it to the *Management or Influence* of some *great Men*. And do you expect your bold Surmises will be of more Weight with the *Publick*, than my *repeated solemn Declaration*? Once more I protest to you, and all Mankind, I have *no Commerce or Acquaintance* with any of the *great Men* hinted at by you; nor with any of those *Gentlemen* whose *Attacks* you complain of. But whatever their *Attacks* may be, I have no Reason to question but that you still give them *full Provocation*. I should be at a Loss to account for this ridiculous *Effrontery*, but that I perceive you aim to make yourself *considerable* by the Intention.

“To use your own Words — *Pardon me, Sir, if I am a little free with you upon this Occasion*. What Man of mighty Figure do you take yourself for, when you suggest that Men in the *first Rank of Life*, and that *all the*

I

“Courts

“ *Courts of Justice* are combining together to
 “ *oppress and ruin you?* Prithee, if the Pride
 “ of thy Heart will give thee Leave, take a
 “ short Survey of thyself. EUSTACE BUDGELL,
 “ *Barrister at Law*, is really but a very little
 “ Man, if he did but know himself; and his
 “ vaunted, self-sufficient *Wit and Parts* —
 “ why they are but little too, notwithstanding
 “ the *Bustle he makes with them*; and much less
 “ for the ill Use *he makes of them*. A Man may
 “ strut and make a great Noise, and at the same
 “ Time only expose his own *eminent Littleness*.
 “ When you fix yourself upon the *two Gentle-*
 “ *men of Note*, whom you mention, and stretch
 “ your Lungs to a loud Vociferation, you put
 “ me in mind of that insignificant *Animal* upon
 “ the *Coach-Wheel*, who would fain have per-
 “ suaded the People the Cloud of Dust was of
 “ his own raising. I am half of Opinion too
 “ that *those Gentlemen*, in Return for the Com-
 “ pliment you make them, by thrusting your-
 “ self into their Company, will be very ready
 “ to brush you off, as the *Coachman* did the *noisy*
 “ *Boaster* aforesaid. Alas! alas! Sir, a *Pigmy*
 “ has but a small Chance for Notice among the
 “ *Fellows*, unless he mounts upon their Should-
 “ ders, and then indeed he may raise a *Laugh*.
 “ If you think it convenient once more (if
 “ may use your own Allusion) to *mount the Stage*
 “ and make another *Bear-Garden Flourish*, in
 “ order to wound my Character, I may think
 “ myself in Honour obliged to try the Force of
 “ your Weapons. But don’t serve me as you
 “ did the last Time — fight one Battle, and
 “ begin another before I am able to mount; and

so sing your Triumph for scarifying me at a Distance. The length of this Epistle obliges me to defer my Answers to several other Aspersions and Slanders, scattered in your two last, to another Opportunity. In the mean Time, Sir, since you slight my *Prayers* for your *Prosperity*, I will, spite of you, turn them for your *Conversion*, however cruelly you think fit to treat

North Cadbury,
Aug. 21. 1731.

Your humble Servant,

WM. PIERS.

To the Author of the Daily Courant.

S I R,

YOUR transmitting the Inclosed to the well-known Barrister, will be consider'd as a Favour to

Your most humble Servant,

W. P.

To EUSTACE BUDGELL Esq;

S I R,

I REMEMBER in my first Letter, I did promise the World, and you, upon a certain Condition, to let you to View in your proper Colours. You have called full loud upon me

“ to do it ; and therefore, to acquit myself of
 “ my Engagement, I beg Leave to take Notice
 “ of some Passages in your two last Letters,
 “ omitted in my late Reply to them, in order to
 “ make some farther Advances towards finishing
 “ ing your Portrait.

“ You give the World to understand, that
 “ *I have got into Possession of two of your Estates*
 “ *by certain Tricks.* Perhaps it would not be
 “ amiss, if these Tricks, as you call them, were
 “ explained a little. One of these Estates I
 “ gained by a Method very unlucky to you, I
 “ confess ; I had not only a natural, but a legal
 “ Right to it : And as it came to me by In-
 “ heritance, I have secured it by Law. This
 “ now is an abominable Trick to you, who
 “ seem to think (if we may judge your Thoughts
 “ by your Practice) the Law was intended to
 “ overturn Right, not to preserve it.

“ THE other Estate was tied down (as ap-
 “ pears by Articles signed and sealed by your-
 “ self) for the Payment of an Annuity to
 “ Life in Being ; besides, for old Arrears due by
 “ your former Contract. Perhaps, you thought
 “ that as the Payment of this Money was not
 “ an Obligation binding upon your Conscience
 “ neither was the Law bound to oblige you to
 “ the Performance of Articles. Behold again
 “ the *Tricks* of this same perverse Law ! Con-
 “ trary to your Expectation, and most strenuous
 “ Endeavours, it has taken the Side of Justice
 “ and sentenced your Estate to pay a contracted
 “ Debt. These are the Tricks you complain
 “ of. And indeed it is hard, that after a la-
 “ boured Pursuit of several Years, the Law
 “ should

“ should so ungratefully requite and spurn an
“ *bumble Follower*.

“ IT is somewhat remarkable, that in your
“ long Study of the Law, you are arrived no
“ higher than what some *Under-strappers* are
“ expert in at their first setting out, which is,
“ the Art of bespattering and defaming your
“ Adversary.

“ YOUR indifferent Success in not a few Causes
in our Courts of Judicature, is a pretty evi-
dent Mark, either of your bad Skill in Law,
or of your bad Conscience, or perhaps, of
both. But for your Defamatory Art, I need
no other Proofs than your two last Letters to
me; wherein, for one Paragraph to the pur-
pose of our Dispute, there are ten levelled at
my private Character; which, whether the
Matter contained in them be true or false, are
quite foreign to our Question. I could wish
with all my Heart you would change this Law
Profession for any other, since a continued
Practice is like to be the ruin both of your
Credit and Fortune.

“ SOME Passages in your Letter in the *Grub-*
street, August the 5th, set me o’laughing; but
soon recollecting they might be the unhappy
Effects of a distemper’d Brain, I grew a little
more serious, and Pity got the upper Hand
of Ridicule. You tell me of *furious Attacks*
made on you by Osborne, the Hyp-Doctor,
Walsingham, and his Excellency Mr. Ulrick
D’Ypres. What a Regiment of formidable
Heroes is here, enough to frighten a *Country*
Parson! Had you not explained the Nature
of their Attacks, I should have feared the
“ next

“ next Post might have brought me News of
 “ your Throat being cut. But *One of them,*
 “ you say, *had the Assurance to represent you to*
 “ *the Publick, under the worst of Characters,*
 “ *namely, that of a litigious Man, who loved*
 “ *and fomented Law-Suits.* Did he say this?
 “ And had he the Assurance to speak so much
 “ Truth? This is a Boldness and Presumption
 “ which you, of all Men, may well stand aghast
 “ at! But no Matter: Let loose some of your
 “ Law against him for it. This you have done,
 “ it seems. But (O Cruel Disappointment!)
 “ he brings not only Truth with him, but Wit-
 “ nesses to back her Assertions. To which I
 “ can add your own verbal and written Boast-
 “ ings. Yet---- O happy *Budgell!* whose Law-
 “ temper’d Front can brave and deny them all!
 “ BUT in order to *shew the Injustice of the*
 “ *Aspersions, and in what Manner you had Law*
 “ *Suits forced upon you, and how you was hurt*
 “ *ed through all the Courts, you thought proper*
 “ *publish the Case between you and me.* I cannot
 “ help thinking this was a false Step; unworthy
 “ the Subtlety of your Genius: For while you
 “ endeavour to divert People from believing
 “ Truth which consisted in Generals, you un-
 “ happily refer them to Particulars which con-
 “ firm it. This was not quite so politic as
 “ one might expect from a Man of your boasted
 “ Sagacity. Indeed, it is some kind of Ap-
 “ plogy you make for your Mistake, when you
 “ represent me as *ancient Clergyman, who possibly*
 “ *might not know of all the Injustice and Oppres-*
 “ *sion that had been committed under my Name.*
 “ Truly, Sir, I have not yet heard of any. But

“ I am

I am apt to believe, upon full Conviction of my Reason, *that Sentence* fairly interpreted, would run thus : ---- *Mr. Piers being an ancient Clergyman, and living at a great Distance, I may safely publish what I please under the Title of a Case between him and me.* I am truly sensible, Sir, nothing but a strong Presumption of my being indolent, unactive, or superannuated, could have drawn you in to publish so many Falshoods to your own Confusion.

“ BUT give me Leave to note by the Way---- If you was *hunted through the Courts*, it was by Justice only, who, *as you fled from Court to Court*, closely pursued at your Heels, and at last gave you a fatal Trip. Have a Care for the future of leading such a *Wild-goose Chase* ; for though you make nothing of leaping over all the *Fences of Right and Truth*, that same *Huntress* will surely overtake and foil you.

“ You tell me, Sir, *You are fully convinced, I am only made use of by some People, to divert you from executing a Design they suspect you are upon, and which, you have reason to believe, gives them some Uneasiness.* What Designs you are upon, I neither know, nor care ; but if I may be Judge of them by your Designs upon me, they should be to rob those Persons either of Estate or Reputation : But he who has Law to defend the One, and a good Conscience to defend the Other, has no great Cause for Uneasiness. That there are such Rapparees and Bravo's in the World, every Man must be aware ; and it is the Business of Prudence and Philosophy to guard us against them. But you quite mistake *the Use that is*
c “ *made*

“ *made of me.* You are the only Person who
 “ has *made use of me* ; and (as it happens un-
 “ luckily for your future Attempts) to alarm
 “ those Persons and the World to beware of the
 “ vile Scope of your Projects. What they are
 “ to expect from you, they may reasonably con-
 “ clude from your Attempts upon me ; which
 “ are your utmost Endeavours to blast my Fame
 “ and seize my Estate.

“ *We live,* you say, *in a very observing, though*
 “ *a very wicked Age.* True, Sir ; and the Me-
 “ moirs of your Life, faithfully written, would
 “ evince the latter. But I believe scarce a wick-
 “ ed Observer of them all would chuse to copy
 “ your Imprudence. I know not how your Ge-
 “ nius came to betray you ; but few *Adepts of the*
 “ *Industry* would venture to publish Heaps of
 “ apparent Scandal and Falshood, as so many
 “ Proofs of their Veracity and Benevolence to
 “ Mankind. Whether your Bar-Oratory, or
 “ your Chamber-Counsel, recommends this Me-
 “ thod, I doubt you will gain but small Practice
 “ by it.

“ *YOU assure me the Age does not much mind*
 “ *Mens Words, when they see them contradicted*
 “ *by their Actions.* Whatever Disagreement
 “ there may be between my Words and Actions
 “ I must own there is a perfect Harmony in
 “ Yours. As your Actions are of the basest
 “ Kind, your Words correspond exactly with
 “ them : And as your Actions have plunged you
 “ into your present deplorable Circumstances,
 “ fear (unless you alter your Stile) your Words
 “ will help to keep you there.

“ You

"YOU tell me, *You shall be infinitely obliged to me, if I will condescend to do you strict Justice.* Alas! Sir, you know not what you ask for; *strict Justice* would ruin you. Consider what *strict Justice* would be to a Man who has been guilty of such complicated Crimes. It is Matter of Grief to me, that I cannot vindicate myself, without representing you to the World as you are; and in doing this, I have forbore every Reflection, not immediately necessary towards clearing our Dispute. My whole Aim has been to turn the Darts of your own Malice against you, without once attempting to annoy you from my own Quiver: How, indeed, should I do it, when, upon the strictest Examination of my Heart, I find not one envenomed Arrow there? If, after this, you appear odious to Mankind, thank your self: If your turbulent, malicious Nature hurries you into Mischiefs, look at Home for the Cause.

"YET think not, Sir, because I have hitherto tenderly acted a defensive Part only, that I want Matter of the blackest Dye to charge you with; and undeniable Proofs to make it good, partly by Letter from yourself. But you take such Pains to display your true Character in its native Deformity, that you save me the Trouble and Regret of adding to it. I shall therefore stick close to my own Vindication; and, as that requires, either exhibit, or drop all new Accusations.

"YOU threaten and charge me not to oblige you to proceed. Why? What have I to fear? Swell, if thou wilt, and discharge all the Poi-

K

"son

"Son in thy Heart, I dread it not; I have
 "Antidote within; a Conscience that will spe
 "Peace and Rest to my Soul, when thine ma
 "call in vain for it. You say, You are not
 "much a Stranger to some Passages in my Li
 "and to some Management in the Law-Suits;
 "I imagine. Speak on! I challenge thee
 "speak! What Management is it thy Vilen
 "would insinuate? What Injustice have I
 "done thee? Declare and prove it: And if
 "make thee not ample Reparation, Shame a
 "Infamy fall on me. But thy Pride, thy ill
 "Pride, makes thee think thou art the Terr
 "of Great Men; and makes thee fancy that the
 "clandestine Management has helped me to r
 "Estate, in order to undo thee. Wretched
 "sinnation of a desperate—— I know not wh
 "to call thee, but by a Word too harsh and
 "grateful to my Sense!
 "But what are those *Passages in my Li*
 "which you threaten to bring to Light? who
 "have I wronged? whose Right have I
 "vaded? Is every Slip, every Error in
 "whole Life's Conduct to be brought to A
 "count in the present Dispute? Shame on
 "Malice! Yet, go on—— I defy thee! Judge
 "all Mankind, if there is *Justice, Honour,*
 "*Humanity*, in this kind of Dealing! Th
 "are the Heathen Virtues which you reco
 "mend to me: I wish thou wert Heath
 "enough to bring thee into the Road to Christ
 "nity. As to *Gratitude*, I owe you no
 "And dost thou boast thy self a Son of
 "Church with all this Baseness and Ranc
 "in thy Soul? Whether thou art a more w
 "not

thy Son, or I a more worthy Minister, I refer to the impartial Judgment of Mankind.

“BUT know, Sir, amidst all these vast Provocations and Menaces, and maugre all the seeming Warmth, (with which every just and peaceable Man may vindicate his injured Character,) there is a perfect Serenity of Mind in

North Cadbury,

Aug. 30. 1731.

Your humble Servant,

WM. PIERS.

Soon after the Date of the Reverend Mr. Piers's last Letter, I fell ill of a dangerous Fever, succeeded by a Rheumatism, which made me so weak, that I was unable to turn in my Bed, without the Assistance of two Persons. It was thought that I should not have recovered, and I am told, That several of the publick Papers had actually put me to Death. This severe Sick-ness, and some other Affairs, have hitherto prevented my taking any Notice of Mr. Piers's two last Letters; but I beg Leave at present to return him the following Answer to them.

To the Reverend Mr. William Piers, Rector of North Cadbury in Somersetshire.

S I R,

A Very severe Fit of Sickneſs occasioned my not answering your two last Letters. Providence, contrary to the Expectation of most People, and my own Desires, has thought fit to raise me once more from a sick Bed. To

" what End this is done, or what I am design-
 " for, I am not able to determine. Perhaps
 " Sir, among other Things, I am to be the
 " mean Instrument of setting your own and your
 " Brother's Actions in their true Light. Since
 " my recovering a tolerable Degree of Health
 " my whole Time hath been taken up by
 " troublesome Affairs, which your *honest Brother*
 " Proceedings forced upon me, and in paying
 " a Debt of Gratitude to the Memory of one
 " the best and greatest Men * this Age has pro-
 " duced. I hope, Sir, what I have said,
 " sufficient to excuse my not writing to you
 " sooner; that you will have the Goodness
 " pardon my Omission, and to accept at prefer-
 " of the following Answer to every Part of your
 " two last Letters, which can possibly seem
 " I deserve one.
 " You begin the first of those Letters with
 " endeavouring to shew, That I have *unjustly*
 " charged you with asserting a most *flagrant*
 " *Falshood*.
 " In your first Letter which appeared in Print
 " dated *May 26. 1731.* you only thought proper
 " per to deny in *general*, the several *Facts* men-
 " tioned in the *State of my Case*; but then you
 " threatened, That
 " If my Infatuation should so far delude my
 " Judgment, as to prompt me to call on you for
 " Proof of Particulars, you should then be obliged
 " to shew me to the World in my proper Colour-
 " ing.

* The late Lord ORRERY.

" You added, That

" *You should observe a Conduct contrary to mine, as believing Justice is better distinguished by the Simplicity of Truth.*

" IN my Answer to this terrible Letter, I still ventured to assert the *Truth* of the *State* of my *Case*, upon which you set about the *Work* you had promised the Publick, viz. to shew me to the World in my proper *Colouring*, and to distinguish *Justice* by the *Simplicity of Truth*.

" THE very first Step you took in this laudable Undertaking, after having demurely expressed a most christian-like Concern, that my *Impudence* would not suffer you to conceal from the World the *Badness* of my *Nature*, I say, the very first Step you took after this pious *Préface*, was to affirm a downright *Falshood*, to affirm a *Fact* which you knew was false at the Time you affirmed it, and which every Man in England may see is false, who will but peruse the *State* of my *Case* in the *Appendix* to my *Letter to the King of Sparta*.

" YOUR Words were these:

" *In the State of this Case (to which he refers his Readers) Mr. Budgell has been pleased to assert, That I am not the youngest Son living of Mr. John Piers, deceased, late of Denton in Oxfordshire; though it is a Notorious Fact, that I have been so more than thirty Years before our Controversy commenced. I beg Leave to ask, in this Place, What kind of Infatuation must possess the Man who could hope to reap Advantage from such a Falsity, in which he was sure to be easily detected.*

" IN

“ IN Answer to the preceding Paragraph,
 “ told you, That the *Fact* which you asserted
 “ it, and upon which you argued in so solemn
 “ a Manner, was a most *notorious* and *flagrant*
 “ *Falshood*. I told you, that I had no where
 “ asserted in the *State of my Case*, that you
 “ not the *youngest Son* living of your deceased F
 “ ther, or any Thing like it; but that on the
 “ contrary, I always did, and still do most re
 “ dily grant, that you are the *youngest Son* livi
 “ of your deceased Father.

“ LET us now see after what Manner you
 “ defend yourself in your last Letter but one
 “ against my Charge, viz. That you had asserted
 “ ed a most *notorious* and *flagrant Falshood*.

“ YOUR Words in your last Letter to me be
 “ one, in Answer to this Charge, are these:

“ I took Notice that in the *State of your Case*
 “ you asserted, That I was not the *youngest Son*

“ living of Mr. *John Piers* deceased, &c. though

“ as I told you, I had been so upwards of thirty

“ Years before our Controversy commenced: you

“ now deny that you ever said any Thing like the

“ Near the Beginning of your Case I found the

“ Words; — *William Piers*, the second Son

“ ther, who was neither his Father's, nor his

“ Mother's youngest Son at the Time of the

“ Death went down to Cambridge, &c. The

“ Words I did, and do still understand, in the same

“ I have put upon them; in no other could they

“ be of any Service to you.

“ Do you really think, Sir, that it is possible

“ your Readers can be such a Parcel of Fools

“ and Ideots, as to take this Paragraph of you

“ for an Answer to my Charge against you

“ named

namely, that you had knowingly affirmed a *Falshood*?

"You affirmed, That I had said in the *State* of my *Case*, that you was not the youngest Son *LIVING* of your deceased Father. I told you, That you affirmed a most shameful *Falshood*; for that I had said no such Thing.

"Now in order to prove that I have said, *You was not the youngest Son LIVING of your deceased Father*, you are pleased (to the Astonishment I dare say of all your Readers) to shew, That I have said, *You was neither your Father's, nor your Mother's youngest Son, at the Time of their DEATH*.

"Do I affirm, dear Sir, that you are not the youngest Son *living* of your deceased Father, because I say, That you was not his youngest Son at the Time of his *Death*? Might not you have had ten younger Brothers when your Father died, (which was above thirty Years since,) and yet might you not be his youngest Son now *living*? Was not *Laud Piers* your Father's youngest Son at the Time your Father died? And was not *Mr. Laud Cade* your Mother's youngest Son by her second Husband when she died? And do not these two plain *Facts* fully prove the *Truth* of what I assert in the *State of my Case*? Can you deny either of these two plain *Facts*? Give me Leave, Sir, to blush for you, since I find you are incapable of blushing yourself.

"INSTEAD of taking Shame to yourself, as I have heard even your noble Patron once did; you persist to tell me, That you did, and do still understand my Words in the Sense you have

put

“ put upon them. In Answer to this I cannot help
 “ saying, That it is absolutely impossible, either
 “ you or any Man living, who can but read Eng-
 “ lish, could understand them in that Sense. You
 “ add, That my Words could be of no Service to
 “ me in any other Sense. I am sorry you forced
 “ me to tell you, That this is as flagrant a Fal-
 “ hood, as any you have yet asserted. The only
 “ Title you ever pretended to my Estate, was by
 “ Virtue of the Custom of Borough English. It
 “ is impossible you can be intitled to it by that
 “ Custom, unless you was your Father’s or your
 “ Mother’s youngest Son at the Time of their
 “ Death. Can any Thing therefore be so much
 “ for my Service, or so evidently demonstrate the
 “ flagrant Injustice of your Proceedings, as my
 “ shewing that you was neither your Father’s
 “ nor your Mother’s youngest Son at the Time
 “ of their Death?
 “ HAVING in vain endeavoured to clear your-
 “ self of my Charge against you, namely, that
 “ you had wilfully and knowingly asserted a Fal-
 “ hood, you endeavour, in the next Place, full-
 “ as vainly to charge me with one. You quote
 “ the following Words out of the State of my
 “ Case. And Mr. Budgell being assured by a
 “ the Council he consulted, that his Title was good
 “ he laid the same before St. John’s College, who
 “ being likewise assured by their Council that the
 “ Estate was Mr. Budgell’s, admitted him to it.
 “ After these Words you place the following no-
 “ table Query; If neither the College, nor their
 “ Council assured you of this Determination, how
 “ came you to know it? I have already told you
 “ That it was not the Business of the College to
 “ declar

declare to me either by themselves, or their Council, that my Title was good: Neither did they make any such Declaration *in Form*. Notwithstanding which, I have many Reasons to believe, That their Council were of Opinion my Title was clear, and indisputable. I will give you *one* Reason for my believing this: Mr. *Creamer* acts as the College-Steward in the Manor where this Estate lies. Upon my shewing this Gentleman my Title, together with Mr. *Horseman's* Opinion, in the *strongest* Terms, that it was a *clear* and a *good* one; Mr. *Creamer* was so fully convinced of it, that he went down with me himself to the Manor, told the Tenant *Pazey*, That I had an *undoubted Right* to the Estate; and *drew up* the Attornment; which *Pazey* signed, and thereby became my Tenant.

You proceed, though much against your Will, to take some Notice of my Queries: You found you could not possibly overlook them; yet instead of giving a *distinct* and plain Answer to *each* of them, which I desired you would do, you have jumbled 'em together with some *Art* and *Cunning*, and then tell me *they contain the most Cruel of Charges*: A Charge, which your Soul shrinks at, and detests as much as you do me, the wicked Inventor, or Publisher of it. The Sum of it (say you) is this: That my Brother and I put our selves in Mourning; went to the Tenant, by Name Robert *Pazey*, and assured him our Mother was dead, (though living at the same Time,) in order to seize her Jointure; that we did so, and turned her out a starving; which must really have been her

L

“ Case,

“ *Cafe, had not her Son Mr. Cade relieved, and*
 “ *reinstated her in the Possession of her Estate*
 “ *This, as I take it, is the Substance of your Charge*
 “ Well, Sir, be it so : This Charge is one of the
 “ *blackest Charges I ever heard in all my Life*
 “ Let us see the Answer you give to it ; and
 “ whether, or no, as *cruel* as you are pleased to
 “ say this Charge is, you do really *deny*
 “ Your Answer to it is so extremely *remarkable*,
 “ that I must intreat all my Readers to
 “ take particular Notice of it. *As to my Share*
 “ *in the Scandal, (say you,) I do solemnly aver*
 “ *upon my SACERDOTAL WORD, it is as basely*
 “ *False, as it is barbarously Malicious.* This is
 “ the Answer you have thought fit to make to my
 “ Charge. But does this Answer *deny* the Charge
 “ In short, Is this Answer like the Candour
 “ and Plainness of a Minister of the Church of
 “ *England*, or the little scandalous Shuffle of a
 “ Jesuit ? Let us see what it is, that you are
 “ pleased *solemnly to aver upon your Sacerdotal*
 “ *Word ?* Why truly, nothing more than this
 “ *that your share in the Scandal, is as basely False*
 “ *as barbarously Malicious.* To give you your
 “ Due, Sir, you have not pawned your SACERDOTAL
 “ WORD for very much. I do agree with you,
 “ that the Story is just as *basely False*
 “ as it is *barbarously Malicious* : But then, Sir,
 “ you must allow me to add, that it is so far
 “ from being either *False* or *Malicious*, that it is
 “ strictly *True* ; and that, I think, I have
 “ much Reason to assert it, as I have to affirm
 “ there is such a City in the World as *Constantinople*.
 “ Your Brother, your own Mother
 “ Son by her second Husband, the Reverend

“ M

Mr. *Cade*, a Clergyman of an unblemished Character, told me the Story, and expressed his Grief to me in the most pathetick Terms, that he had such a Relation as your self: The Tenant, *Robert Paze*y, told me the very same Story in every Particular, and complained how grievously you had imposed upon him. I found the whole Country was acquainted with the Story; and looked upon it as one of the most notorious and barbarous *Cheats* that was ever committed. Your eldest Brother himself, and his Wife, both confessed to me that the Story was *True*: Your Brother pretended at least to be sorry for what he had done, and assured me, that the whole *Plot* and *Contrivance* was *yours*. Lastly, to convince me fully of the Truth of this Story, I have been shewn the very *Lease* which you and your Brother signed to the Tenant *Paze*y, while your *Mother* was *Living*. I think I know both of your Hands as well as I do my own, and am fully convinced that you both executed that pretended *Lease*. You do not deny that your Brother *Cade* has *dressed up* this horrid Story; but then you add, that you are well aware he may have his *Reasons* for it: What these *Reasons* are (say you) I scorn to publish, till I am provoked by him. It would I believe be the most curious Piece this Age has seen, if you would but please to acquaint the World what could possibly make your own Brother dress up this horrid Story about you, if the Story, horrid as it is, was not *True*: I am afraid it is demonstrable, even from your own Confession, that either you or your Brother *Cade* must be a compleat——. In order to prove

“ your self *Innocent*, you will consider, whether
 “ it is not necessary to shew us that he is *Guilty*.
 “ I do assure you, most Reverend Sir, that,
 “ my certain Knowledge, your Brother *Cade*
 “ fies you to do your worst; and is fully sa-
 “ fied, that his Character cannot suffer for a
 “ Thing you can say him. Your Brother had
 “ drawn up an Account in Writing of some of
 “ of your *Exploits*, which made as uncommon
 “ an History as ever I perused. To be plain with
 “ you, Sir, there were some *Facts* which I thought
 “ at least equal to any in the Life of *Gustavus*.
 “ and which in mere *Pity* to you I endeavoured
 “ to persuade him not to *expose*: You have
 “ gratefully requited me. If your *Modesty* tem-
 “ you to appear once more in print, let me
 “ no more *Shuffling*, or a Parcel of idle *Excla-*
 “ *tions*, which are nothing to the *Purpose*. Give
 “ a direct and distinct Answer to each of
 “ Queries, and particularly to this. Did
 “ and your Brother sign a *Lease* to Robert *Palmer*
 “ for that *Estate* at *Thorrington*, which was
 “ Mother’s *Jointure*, while your Mother
 “ *Living*? or did you not?
 “ YOUR Answer to my first *Query* is
 “ tremely *remarkable*. I desire to know, If
 “ only rely on the *Justice* of your Cause?
 “ not on some Things which you know I
 “ not name, why you will not submit the
 “ dispute between us to be determined by any
 “ neutral and indifferent Council learned in
 “ Law?
 “ You answer, *Because I am in legal Possession*
 “ of my *Right*, (meaning the *Estate* at *Thorrington*,)
 “ which I believe no Man would ever give

to have his Title canvassed afresh, at the Caprice of an insolent Pretender.

“ I UNDERSTAND you, Sir, perfectly well : You know as well as I do, that your Title is not good, and are therefore resolved not to submit it to any Council. You say you are in the *legal Possession* of the Estate in Dispute between us : Do not take it amiss, Sir, if I acquaint the Publick by what means you got into this *legal Possession*. You brought an Ejectment against my poor Tenant. To this Ejectment I was obliged to make my self a Party : I could not but think my self sure of my Cause, since not only my own Council, viz. Mr. Serjeant *Darnell*, and Mr. Serjeant *Baynes*, but even the Council you had consulted, declared my Title was good : You brought on, however, your Cause at *Chelmsford* ; but instead of entering at all into the *Merits* of your pretended Title, which would have ended all Controversies between us, (but which you very well knew was not good,) you only produced a Lease for three Years, which you had persuaded my poor ignorant Tenant to take from you, and which I never heard, or dreamt of, till you produced it in Court. This Lease being what the Lawyers call an *Estoppel* against the Tenant in Possession, by this *shameful Trick*, if any Thing may be called a *Trick* in the Law, you got a Verdict against me, and what you are pleased to call *legal Possession*. By a *Trick* of the very same kind, you got *legal Possession* once before of this very Estate while your Mother was living. To be relieved against this *Trick* of yours, I was
“ advised

“ advised to bring a Writ of Error in the House
 “ of Lords, to gain Time, That I might apply
 “ to Chancery for *Relief*. Upon this Writ of Error,
 “ it is certain your Success against me was
 “ so very extraordinary and remarkable, that
 “ believe there is hardly a Lawyer in *England*
 “ who has not heard of it.

“ SINCE I wrote to you last, your honest Brother,
 “ whose Cause you defend, is likewise got
 “ into what I presume he calls a *legal Possession*
 “ of all my Goods, and several Papers (to the
 “ value of perhaps Two Thousand Pounds) which
 “ were in my House at *Denton*. He got into the
 “ *legal Possession* of these, by breaking open my
 “ House in the Night, and taking them away.
 “ It is true, he did not perform this Exploit
 “ till he heard I was upon my Death-bed, and
 “ I believe thought me actually dead. Thus
 “ Sir, you have got a *legal Possession* of my
 “ *Estate*, and your honest Brother of my *Goods*
 “ and *Papers*. I am too well convinced, Sir, by
 “ woful Experience, That it is in vain for me
 “ at *this Time* to dispute any Point with either
 “ of you at Law ; yet, give me Leave, Sir, to ask
 “ you one serious Question : If there is a Supreme
 “ Being, who is strictly just, and takes any Notice
 “ of human Affairs, can you possibly believe
 “ that such horrid Acts of Oppression,
 “ Cruelty, and Injustice, will pass unpunished?
 “ In my Letter to you of last *August*, the 7th
 “ since I found you and your Lady had quite
 “ forgot some Things, and that you took the Liberty
 “ of treating me with such hard Epithets
 “ as *base, vile, and insolent, &c.* I presumed gently
 “ to put you in mind, That such sort of Language

“ guarded

guage was not quite so decent, considering your Wife had been my Aunt's *Servant* many Years, lived in my *Father's Family*, and that I my self had been particularly kind to her; and considering that the *Money* she got in her *Service*, with a *generous Legacy* her Mistress left her, had served to pay off your most troublesome *Debts*.

“ To this you answer,

“ I should take no Notice of your contemptuous Treatment of my Wife, was it not to shew you I wish it may be to the Conviction of your Conscience) that Truth and you are irreconcilable Foes. 'Tis strange you cannot relate a trifling Circumstance, without falsifying it. Remember, Sir, my Wife was a First-Cousin to your Aunt; under whom she received her Education, and with whom she lived as a Companion, not a Servant, as you maliciously and foolishly declare. That her Wages paid my Debts, is an Assertion of yours of the same Complexion with the rest, false and silly.

“ YOUR Assertion that your Wife was my Aunt's First-Cousin, is, I confess, a very surprising Piece of News to me. One Thing I am sure of, viz. That my Aunt never called her any Thing but plain Betty. If you will not let me to say, That she was my Aunt's Servant, you must at least, Sir, allow me to affirm, That my Aunt had no other Servant; and that I have seen your Lady, with my own Eyes, an hundred and an hundred Times, washing my Aunt's Linnen, and either emptying or scowering a certain Utensil which the finest Ladies have sometimes Occasion for.

“ I do

“ I do not deny, Sir, that she is become a *Gen-*
 “ *tlewoman*, since you have done her the Honour
 “ to make her your *Wife*; nor do I at all doubt
 “ but that if your extraordinary Merit and *Ser-*
 “ *vices* should procure you a *Bishoprick*, she
 “ would do the Honours of your Table in a
 “ proper Manner. I never heard but that she
 “ served my Aunt faithfully, and honestly; nor
 “ is there any manner of Harm in her having
 “ been a Chambermaid; yet if Ladies, when
 “ they grow *Great*, will intirely forget what
 “ they once were, it cannot be amiss to put them
 “ gently in mind of it. You assert, That she
 “ lived with my Aunt, not as a *Servant*, but as
 “ a *Companion*: Pray, Sir, will you be so kind
 “ to ask her one Question; When she was in our
 “ Family, did she sit with my Aunt at my Fa-
 “ ther’s *Table*, or not? I dare say she will not
 “ assert she did; because there are at least a
 “ hundred People now living, who could con-
 “ tradict her. Indeed, Sir, my Father at that
 “ Time would as soon have admitted his *Coach-*
 “ *man*, or his *Coachman*, to have sat with him at his
 “ Table as your *Lady*. How much should
 “ scorn to mention these Particulars, did not
 “ you oblige me to it, by charging me with
 “ *Falshood*! Why will you and your *Lady* force
 “ me to tell you such *Truths* as I find are not
 “ very pleasing to you? That she has as great
 “ *Obligations* to my Family, as a Woman could
 “ well have, is certain; that the Money she got
 “ in my Aunt’s *Service*, with what her Mistress
 “ left her when she died, helped to pay your
 “ Debts, is as notoriously known, as it is that
 “ you were over Head and Ears in *Debt* when
 “ you

Gen- you left the University of Cambridge. What Money you may now be worth, what Sums you may have had for *secret Service*, I shall not pretend to determine.

As to your frequent Hints and Insinuations in your Letters, that I am a *Madman*; This, Sir, is a Point which I never yet disputed, nor believe ever shall. The King of *Sparta*, his Brother *Ulrick*, Mr. *Osborne*, the *Hyp-Doc-*tor, and Mr. *Walsingham*, have all of them strongly affirmed this Fact. Hard is their Fate, if they have not been able to convince the World of what I never yet denied. Methinks it is a sort of Reflection upon all these able Writers, for you, Sir, to imagine, that even your *sacerdotal Word* could make any Thing more *plain*, which they have long since so clearly *demonstrated*. Believe me, Sir, your harping so very often upon this *string*, can only serve to convince the World that whose *Service* you are *listed*, and to what *Plan* of Writers you belong.

You conclude your last Letter, with assuring me, That *amidst all my Provocations and Menaces*, you enjoy a *perfect Serenity of Mind*. It is certain there is no greater Happiness, than for a Man engaged in Controversy, to enjoy that *Serenity of Mind* which you assure me you are so perfect a Master of. Upon my searching your two last Letters to me, for some Marks of this *serene Temper*, I find the following Expressions. *I am necessitated to detect the Vileness of your Nature. Prithee, if the Pride of thy Heart will give thee Leave, take a short survey of thy self.* Eustace Budgell, Barrister

M

“ at

" at Law, is really but a very little Man, if
 " did but know himself; and his vaunted self-
 " ficient Wit and Parts, why they are but
 " 100. O happy Budgell! whose law-temper
 " Front, &c. what Management is it thy Vile
 " would insinuate? Swell if thou wilt, and
 " charge all the Poison in thy Heart: I have
 " Antidote within, a Conscience that will spe
 " Peace and Rest to my Soul, when thine may
 " in vain for it. Some Passages in this Letter
 " me o' laughing; but soon recollecting they m
 " be the unhappy Effects of a distempered Br
 " I grew a little more serious, and Pity got
 " upper Hand of Ridicule. Thy Pride, thy
 " Pride, makes thee think thou art the Terror
 " great Men, and makes thee fancy that their cl
 " destine Management has helped me to my Est
 " in order to undo thee; wretched Insinuation
 " desperate — I know not what to call thee;
 " by a Word too harsh and ungrateful to my Se
 " Is every Slip, every Error in my Life, to
 " brought to Account in the present Disput
 " Shame on thy Malice! I defy thee! Judge
 " Mankind, if there is Justice, Honour, or H
 " manity in this kind of Dealing! These are
 " Heathen Virtues which you recommend to me:
 " wish thou wert Heathen enough to bring thee
 " the Road to Christianity. As to Gratitude,
 " owe thee none. Dost thou boast thyself a Son
 " the Church, with all this Baseness and Ranc
 " in thy Soul? Whether thou art a more wort
 " Son, or I a more worthy Minister, I refer
 " the impartial Judgment of Mankind, &c. &c.
 " &c.

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FAR be it from me, Sir, to refuse even an Enemy that Commendation which is justly due to him. When I look upon the foregoing sentences, all faithfully extracted out of your two last Letters, I must ingenuously own, I am at a Loss whether I ought chiefly to admire your *Meekness* and *Charity* as a Clergyman, your *Piety* as a Christian, your *good Breeding* as a Gentleman, or your *Serenity* as a Philosopher.

You cannot, Sir, expect, that an unhappy Lunatick should be able to imitate this *Serenity of Mind*, which you so justly boast of, and are so *eminently* bless'd with; I therefore trust in your known Goodness, that whenever I have exceeded the Rules of Decency and good Manners, you will *charitably* impute it, either to the Starts of a guilty Conscience touched to the Quick, or to the Ravings of a Madman when his Fit is upon him. I am,

S I R,

Your Most Obedient,

And Most Humble Servant,

E. BUDGELL,

HAVE done with the Reverend Mr. William Piers: I proceed to say something of his *Honest* Father John Piers. This Man had an Estate of One hundred Pounds per Annum, Part of which

which was only Leasehold. There was a Mortgage upon it for about 700*l.* and a *Judgment* on his own Confession for 1000*l.* besides which he owed Money to a great many People. His Necessities were so great, that I have many a Time lent him small Sums to buy *Bread* for his Family. I was induced to be kind to him, by having married a Woman who was related to me; and may Providence never bless either of mine, if I did not most sincerely love this Man: I had resolved to make his Life easy and comfortable. He was every Day in Apprehension of being flung into a Goal, and had often begged me, even with Tears, to settle his happy Affairs, and buy the Reversion of his Estate, which he had long endeavoured to do in vain. This was in 1719. just before the *Sea*, and when I had a large Sum of ready Money by me. I at last complied with his Request, and took his Estate with so little Satisfaction about the *Title*, that I am well assured no Man but myself would have laid out his Money on the same Terms. I took his bare *Word* for the Particulars relating to the Estate; but have since found that almost every Thing he then told me was *false*. For the Reversion of this Estate, and his Mother's Copyhold at *Thorington*, I paid him *eight hundred Pounds* in Money, forgave him all the *Sums* he owed me, and agreed to discharge the Judgment for *one thousand Pounds*. By Writings properly executed, I was to have the immediate Possession of one half of the House and Gardens, and *Piers* was strictly obliged not to cut down any Timber or Wood. Some Time after I had paid my Purchase-Money

y, he cut down great Quantities of Wood, a
 whole Grove of fine young Trees, and a long
 shady Walk in the Garden, which he very well
 knew I was most particularly fond of. I found
 it necessary to stop such shameful Devastations;
 as I ever abhorred a Law-Suit, I offered to
 refer all Differences between us to any one Man
 of Honour and Reputation in the whole County.
 Two Gentlemen, who made a conspicuous Fi-
 gure in it, who were Mr. Piers's particular
 friends, and had known him many Years before
 they knew me, offered at different Times to set-
 tle all Things between us. I immediately em-
 braced their kind Proposal, and offered to sub-
 mit all my Interest intirely to either of them.
 To their infinite *Surprize*, they found that *Piers*
 would hearken to no Terms, nor agree to any
 Arbitration. I dare appeal for the Truth of this.
 I select to two Persons in *Oxfordshire*; one of
 whom is an Ornament to the highest Order of
 the Church; the other is no less eminent for his
 Humanity, than for his Station and Skill in the
 Law. They have both constantly done, and I
 am very sure will always do me full *Justice* upon
 his Head.

John Piers has not quite so much *Cunning* as
 his younger Brother the Parson. His *Tongue*
 sometimes gets the better of his *Discretion*, and
 he has often told me in a *Bravado*, that *Though*
he had no Money himself, yet that there were Peo-
ple somewhere, who would support him in any
cause, and with any Sum against me; that they
had resolved to give me a Belly full of Law, to get
me into a Goal, and make me rot there.

SOME

SOME of his Proceedings against me, in Confidence of his being thus *supported*, have been uncommon and extraordinary, that I beg Leave to give you an Account of them. I am very well assured you will not think it tedious.

IN order to put a Stop to his Devastation upon my Estate, I went down myself to live in the House, of which I was intitled to one Moiety from the Time of my Purchase. Upon my coming down, *Piers* thought proper to remove to a Farmer's House about half a Mile distant. He took away all his Beds, and what Goods with him he thought proper; but having sent for Beds, and other Things, from my House in *London*, I did well enough with my little Family. I had lived there for some Time, when one Morning two Bailiffs came into my Bed Chamber, arrested me in an Action in *Piers*' Name, and told me, *If I did not give immediate Bail, they would carry me to Oxford Goal.* I have forgot at present the Sum for which I was arrested. The Bailiffs were immediately followed by *Piers* himself, who came into my House at the Head of a Mob, which he had got about him. I desired to know of him before forty Witnesses, *Why he arrested me?* and offered immediately to pay him 500*l.* if he could prove I owed him *five Shillings.* He absolutely refused to declare *why I was arrested*; but told me with a Laugh, *I should know that at a proper Time.* Though I was almost a Stranger in the Country, I made a Shift to find *undeniable Bail* for this Action; and the Bailiffs having no farther Pretence to stay with me, left my House. *Piers* and his Mob still stayed, insulting me with

most abusive Language. I at last lost all patience, and was going to have caned one of them. A Gentleman of a good Estate in the country, who had been one of my Bail, prevented me, and taking me aside, told me, *He thought he saw a great deal more in this Affair than I did; that he believed I was purposely provoked to make me strike; and that if I did so, I should be immediately murdered.* What he said appeared of so much Weight to me upon some little Reflection, that I resolved patiently to endure all Insults, and only took care to keep three of my Servants about me. When *Piers* found I was not to be provoked, he locked up me and my Servants, viz. a Footman, a Gardener, and a servant Maid, in the Room where we were. The Mob, who were with him, immediately raised up a loud *Huzzza*, and dispersing themselves over all my House, took away whatever they pleased. One of my Men lost a Silver Watch, which had cost him *five Pounds*, a large Sum in my poor Servant's Pocket. As I was under Confinement, I could not say who took away any of my Goods. When my Servants and I had been kept Prisoners about two Hours, and the Mob had done what they pleased, *Piers* thought fit to unlock the Door, and release us. I think I may safely aver, the *Action* he arrested me upon was a *Sham* one, since he never brought it to a trial; nor do I know to this Hour why I was so arrested. Upon consulting Council, I was advised to bring an Action against *Piers* for *false Imprisonment*; and my poor Servants, who had been shut up with me, and sufficiently abused and frightened, were likewise advised to bring their

their several Actions. The Trials came on the *Oxford Affizes*. I proved the Particulars above mentioned by several Witnesses, and could have called a great many more. It was absolutely impossible to prevent my having a Verdict. I had one: But what *Damages* do you think, Sir, I had given me for being thus arrested on a *Sham* Action, robbed, abused, insulted, and imprisoned in my own House? As poor a Man as I am, I will venture to lay you a Guinea you cannot guess within *five hundred Pounds*; I never yet met with any Man that did. The *Damages* given me were ONE FARTHING.

ALLOW me to say, Sir, that I as little thought *one Day* as you, or any Gentleman in the House of Commons can now think, that my *Liberty* would have been valued at *this Rate*. I am determined to fix this *Farthing* in the Midst of a *Golden* Frame, and to put this *Inscription* round it:

Anno Dom. — The Value of the Liberty of an Englishman.

I might, perhaps, add, of an *English Gentleman*, who had been in several considerable *Postures* and done important Services for the House of *Parliament*. Should my Fate ever carry me again to foreign Nations, I fancy no Body who sees this *Farthing*, could doubt how firmly *Liberty* was established and protected by *Law*, in this happy Island of *Great Britain*.

I KNOW it is my Duty to think, that the Proceedings in Courts of Justice are strictly just; yet I must own one Thing at first a little *strange* to me: Though the Damages given me were

One Farthing, two of my Servants had one
 ling given to each of them. I will not think
 this *Distinction* between us was made on Pur-
 e to *insult* and *mortify* me. *Damages* in these
 es have been always proportioned to the
 ility of the Person injured: Since I must not
 efore imagine that *Partiality*, or an impro-
 Influence is got into our *Courts of Justice*, I
 resolved stedfastly to believe, That my own
 man was eight and forty times a better Man
 his Master.

THOUGH I made no Complaints myself, my
 al above-mentioned made a good deal of
 e. As soon as I came to Town, an eminent
 tleman at the Bar sent to desire to speak
 me: He told me *My Tryal at Oxford had*
the Subject of a Publick Conversation among a
many Gentlemen of the Long Robe; That a
son eminent at the Bar, who affirmed he was
nt at it, had given them an Account of it; but
there were some Particulars so very uncom-
, that he hardly knew how to believe them;
that this was the Reason of his sending for me.
 TOLD him I never loved fruitless Complaints;
 added (what was strictly true, viz.) That I
 not told the Story myself to any Body. I de-
 , however, to know what he had heard?
 on his acquainting me, I assured him that
 several *Facts* he had mentioned were True.
 be so, Mr. Budgell, (says he,) it was a most
 ous Verdict; there was never such a one since
 gna Charta: You should not look upon this as
 own private Case; 'tis the Concern of every
 tleman in England: One of his Majesty's Ser-
 is of the same Opinion with me; and if you

N

agree

agree to it, will immediately move, that you may have a new Tryal granted you, and that the shameful Record, of your Farthing Damages (which will otherwise remain a Scandal to the Laws of England) may be cancelled. I thank him for his Friendship ; but had seen too much to desire to begin again. I made some Observations at the Tryal ; which were so very obvious that I believe I may safely assert, there was not one Person in the whole Court who did not make them as well as my self. This Thing was not done in a Corner.

I PREFERRED a Bill in Chancery against this *John Piers*, to compel him to the Performance of an *Agreement* signed with his own Hand and witnessed, but which he resolutely refused to perform. He immediately preferred a Bill against me ; so that I found myself engaged in Two very expensive Suits in Chancery, and a good Quantity of Business cut out for Counsel Attorneys, Solicitors, Clerks in Court, Commissioners, Agents, Evidences, Bailiffs, Under Sheriffs, &c. &c. My Adversary (though not worth one Groat) was so plentifully supplied with Money, so zealously served, and so strongly supported, by some Body or other, that after several Years spent in Law, and a vast Expence, I found myself unable to contend with him any longer : I have been obliged, for several Years past, to let this Law-Suit sleep, though I have every Year suffered very great Loss and Damages by *Piers's* not executing an Agreement he had made with me, and which was most evident to every man very much for his own Advantage : By the Agreement I was to have taken the Estate in

own Hands, to have paid *Piers* Fourſcore
ounds a Year, Nette-Money, during his Life,
which was more than ever he made of it,) and to
ve diſcharged him from keeping in Repair the
ouſe, Outhouſes, and Garden-Walls, which he
s by the *fiſt* Covenants between us obliged
do.

I PROCEED to give you an Account of his
Exploit, which I do aſſure you is extremely
inous in *Oxfordſhire*. I left my Houſe upon
s Eſtate (*Piers* being ſettled for ſeveral Years
ſt in a little Thatched Cottage, at a Diſtance
om it) to the Care of a Servant. He has been
the undiſturbed Poſſeſſion of it for ſeveral
ears paſt; and I have paid him above *Threescore*
unds for his Pains, ſince he fiſt looked after it.
I left my *Houſe* (which is a pretty large one)
ntly, though not *richly* furniſhed: My Ser-
nt who had, and ſtill has the Keys, lives
th his own Family at the other End of the
riſh; but uſed conſtantly to go down once or
ice a Day to ſee that all my Goods were ſafe.
me Time ſince, under the *Maſk* of an *Execu-*
n, my Papers at my Houſe in *Arundel-Street*
ere ſeized upon, and riſſed in a moſt villainous
anner. I made my Complaints of this *Horrid*
utrage in a *proper Place*, as I thought at leaſt,
nd with *proper Affidavits* in my Hand; but
ould get no *Redreſs*; and upon conſulting the
oſt eminent Council, found it was in vain to
ope for any. I had ſtill Papers by me of great
onſequence to my *own Affairs*; and ſome, as I
onceive, of no leſs Conſequence to the *Publick*.
fter what had paſſed, I was very uneaſy at
aving theſe Papers with me in the *Fleet*, and

yet scarce knew who to trust with them. I last thought they would be thoroughly safe in *strong Chest* and a *little Closet*, in one of the *Galleries* in my House in *Oxfordshire*; since the House stands by it self, is built of *Stone*, and, as no Body lived in it, could not be fired, unless it was done on Purpose. Upon these Considerations, I trusted my *Papers* to an old Servant, who lived with me a great many Years. I ordered him to go down to *Oxfordshire*, to get a strong *Chest* which I described to her, removed up into the *Closet*; to put *New Locks* and *Keys* both upon the *Chest* and the *Closet-Door*; to lock them carefully, and bring up the two *Keys* with her to *London*; and not to leave them with my Servant in the Country, who had the *Keys* of all the Rooms in the House. My Maid went into *Oxfordshire*, and returning to me in a few Days with Two *Keys*; assured me, she had exactly executed my Orders; and that to avoid any Trouble about *Papers*, she had likewise put some *Linens* and other Things into the *Chest*. She had been in Town several Months, when I happened to fall into a very ill State of Health. During my Sicknes, I received a Letter from my Servant in *Oxfordshire*, acquainting me, That my House had been broke open in the *Night*, and several Goods taken out of the Hall, though he could not say by whom; but that he had secured the Doors again, faster than ever. Soon after, I received several other Letters from him, to acquaint me, That my House had been broke open several Times, and Part of my Goods stolen each Time; though he had not yet been able to discover the Villains. All I could do in my unhappy

happy Circumstances was, to charge him to watch the House carefully for the future, and to use his utmost to discover who the Villains were who robbed it. At last, he sent me Word, in the Month of *March* 1731, That he had surmised that very Morning one *Badcock*, a most notorious Rogue, and who had been several Times in Gaol, one *Gillman*, a Day-Labourer, and one *Piers*, who had broke open my House the night before, as he supposed, because they had taken all my Goods into the Court, and were actually carrying away the last of them, when he came upon them; That *Piers* and *Gillman* looked to use his own Words) *as if they had been* *hanged down from the Gallows*; and, that he told them they were base Men to break open his Master's House, and steal his Goods; That he could not get one Word from *Piers* and *Gillman*; and that *Badcock* only said, *He could not tell where they had the Goods*. He let me know by some other of his Letters, that all the Country cried out, *Shame!* upon this barbarous Proceeding against a sick Man under Confinement, and unable to help himself: That his best Friends, among whom were a certain Counsellor, and an Attorney, who had formerly gone great Lengths to serve him, declared briskly, That this was so flagrant a *Felony*, that they would never more have any Thing to do with him.

I HAD strong Reasons to believe, that my Servants applying for *Justice* would signify nothing; and I was under violent Apprehensions, that he might be taken off from giving his assistance: I resolved therefore, sick as I was, if possible,

possible, to go down my self. By making Deposit in the Bank of 250 *l*. I put myself out of the Power of two Persons to whom I do not owe One Farthing, and who are suing me for a pretended Debt, with no Design, but to ruin me. My few Honest Creditors, who know I will pay them as soon as ever I can, gave me free Leave to go wherever I pleased: So that in *August* I got down to *Oxfordshire*, in an ill State of Health myself, and forced to leave a Servant on the Road, whom I took with me, and who was almost killed with a Fall from an Horse. My House lies about five Miles from *Oxford*. I went directly to *Oxford*, concealing myself as much as possible, and from thence sent to my Servant, who had the Care of my House, to come privately to me. Upon talking with him I found that my House was entirely stripped from Top to Bottom; that even the little Chest in the Garret was broke open, and the strong Chest with all the Papers in it carried off. I immediately took him to a Justice of Peace, to make Oath of the several Facts he had told me. The Fellow, upon Examination, gave the full Account of every Thing as he had before done to me, both in his Letters and by Word of Mouth. The Justice, while he was taking down his Examination in Writing, said, two or three times, *That is Felony*; and, *That brings the Felony home to Piers: That fixes the Felony upon Piers*. When my Servant had sworn to the Contents of his Examination, I desired a Warrant against the three Fellows who had broke open and robbed my House. A Warrant was granted me readily enough against *Badcock* and

Gillman

man; but no Intreaties of mine could possibly prevail, to obtain a Warrant against *Piers*. I confess, I have ever thought that *Justice* ought to be equal to all Men: It appeared by my Serjeant's Oath, That *Piers* was the principal Offender; and that one Part of my Goods which were stolen were hid in his *Barn*, and another Part carried to his *House*.

BEG Leave, in this Place, to make a short Expression upon the *Commission of the Peace*, as it stood of late Years in the County of *Oxford*; to shew you, That an *Oxfordshire* Justice can, when he thinks proper, be less *Delicate* and *Compassant* than this Gentleman was in the present Case, to a Man who has often absconded for Debt, and, to my certain Knowledge, is not now worth One Shilling.

I WILL shew you, Sir, that an *Oxfordshire* Justice can, when he thinks fit, treat even an *Indigent Person* in a very different Manner.

SOME Years since, two Fellows were prevailed upon to swear the Peace against me. I found them endeavouring to break down one of my Estates, and told them, That if I caught them again at that Sport, I would order my Servants to fire upon them, or would do it myself. This was the real Fact. Upon these Fellows swearing the Peace against me, I was taken up with a Warrant by a Constable, carried away five Miles before a certain Justice, and treated by this worthless Creature with as much Insolence, as if I had been a common Pick-pocket. I was bound over, as usual, to appear at the next Sessions. If I had appeared, I must have had up my Recognizance for my Course. My not appearing was therefore a
Prejudice

Prejudice to no Man, but to myself and my Successors. I was detained in *London* by Affairs of Consequence: Yet, because I did not leave all my Business, and appear at the Sessions in *Oxford* (though no new Complaint was made against me) an Order was made at the Sessions, That my *Recognition* (which, as I remember, was three-score Pounds) should be estreated.

O HAPPY *Britain*! O fortunate *Englishmen* among whom *Justice* (the full Reward for those immense Sums, and heavy Taxes you pay yearly to the Government) is thus *equally, and impartially* administered!

I KNOW not in what Light Things have been represented to the Lord Chancellor; but I shall lay before you two other plain *Matters of Fact*.

Mr. Serjeant *Skinner*, a Gentleman of an unblemished Character, in considerable Business, eminent at the Bar, and Recorder of *Oxford*, was by Virtue of the City Charter may try a Criminal for a *Capital Offence*, and cause him to be Executed, as he actually has done; I say, Sir, a very Gentleman, thus qualified, and thus distinguished, was for several Years together kept out of the *Commission of the Peace* in *Oxfordshire*.

UPON his present Majesty's Accession to the Throne, when all the Commissions of the Peace were renewed, as I designed to settle in *Oxfordshire*, and had no Mind to be insulted by those who might think it meritorious to use me ill, because I was no *Favourite* of the *First Minister*, I had a Mind to be in the Commission of the Peace. I was at the Bar, (which Circumstance alone, I always thought a sufficient *Qualification* for the Justice of Peace,) I had at least One thousand

Pou

unds per Annum, which lay in *Middlesex*, *Ox-*
shire, and other Counties : I had been in se-
veral considerable Posts under the late King, and
will make no Scruple to say, That I had done
the House of *Hanover* some Services. I applied
on this Occasion to a Brother-in-Law, who is
Member of your House, one of his Majesty's
Council, and has two considerable Posts. My
other (with whom, till I had openly declared
against a certain great Man, to whom he has
personal Obligations, I lived in a perfect Friend-
ship) readily promised to get me put into the
Commission of the Peace. He did accordingly
ask to — *Martin Esquire*, the Lord Chan-
cer's Secretary. I waited twice myself upon
the same Gentleman ; and was in hopes of ob-
taining this *only* Post I ever applied for since his
late gracious Majesty's Accession to the Throne.
When the *Commission of the Peace* for *Oxford-*
shire was renewed, my Brother was not a little
surprized (I had seen *too much* to be surprized
at *any Thing*) to find that I was left out of it.

AMONG all the Acts of Parliament which
passed last Sessions, I am humbly of Opinion,
there was not a better Act than that for *Regu-*
lating the Commission of the Peace : I am afraid
the Power of a Justice of Peace, (which is every
year growing greater) has been too often in-
trusted to very *improper Men*, and abused in the
most *scandalous* Manner. I have myself made a
Collection of some *Facts*, which may one Day
be of use. Your providing that no *Attorneys*
should be in the Commission, was a most wise
and necessary Regulation : How often those Men
have made the Power of a Justice of Peace sub-

O

servient

servient to their own *Interests* and *base Designs* pretty notorious. I should be loth to assert positively, that this Power was never abused *Gentlemen at the Bar*. You may possibly, find it necessary one Day or other to take effect Care, that no two or three Men linked together, and countenanced by a *first Minister*, have it in their Power to *ride* and *tyrannize* on a whole County.

I RETURN from this *Digression*, to the Relation of my own Affair.

I WAS not able, as I have already told you to obtain a Warrant for the apprehending *Piers*. All I could prevail upon the Justice to do, was to send him a *Letter*, wherein he acquainted him with what my Servant had sworn and let him know, That if he did not appear before him, he should be obliged to grant a Warrant against him. I took the Liberty to let the Justice know, that I conceived such a Letter little better than giving *Piers* fair Warning to run away. That I was satisfied he, and other two desperate Fellows, who had broken open and robbed my House, were encouraged to do what they did from a Belief that I was dying; and that I was persuaded they would see three of them run away, as soon as ever they heard I was in the Country. But all my Reasons and Arguments were not sufficient to procure a Warrant for the apprehending of *Piers*.

I SHALL in this Place do the Gentleman of the Commission of the Peace to whom I applied the Justice to acquaint all my Readers, that it is generally thought to be at least as *Learned* in the *Law* as any one Man in *Oxfordshire*, and

of Oracle in the County. He has very good
ness, as fair a Reputation as most Gentlemen
the Bar, and has ever been looked upon as a
Whig. I have heard, indeed, that he
not altogether unknown to a certain *Great*
man, who I do not take to be my *Friend*; but
very unwilling to think that a View of plea-
sant Man, should have any Influence over his
manner of acting in the Commission of the
Justice: I must likewise do him the Justice to own,
though I could not obtain from him what I
desired, I was treated by him with great Civility
and good Manners: But when I have done him
Justice to allow all this, the learned Gentle-
man must excuse me, if I take the Liberty to
say *Matters of Fact*, especially since I find my-
self compleated by his refusing me what I
justly conceive, at least, I had a Right to de-
mand, and since I do not know how soon some
of my Fellow-Subjects may be in the same Cir-
cumstances with myself.

ENDING I was unable to obtain a Warrant
apprehending *Piers*, I desired, that I might
have a Warrant to search his House and Barn for
Goods. My Servant swore positively, that
Part of them were in his *House*, and another
part hid in a *Barn* which stood in a Field at
some Distance from his House.

Mr. Justice made some Difficulty to grant me
a Warrant; at last, however, I obtained a
Warrant from him in the following Words;

Oxon' ff. To the Constable of Cuddeston in the said County, and also to the Constable of Denton in the said County of Oxon and to each of them.

WHEREAS it hath been proved upon Oath before me, one of his Majesty's Justices of the Peace for the said County, That several Goods belonging to Eustace Budgell Esquire, have been stolen out of his House in Denton in the County of Oxon and that the said stolen Goods are now in the House of John Piers of Cuddeston aforesaid; These are therefore, in his Majesty's Name, to require you to search the House and Barn of the said John Piers, in Cuddeston aforesaid, for the said stolen Goods; but you are not to break open any Door or to do any Thing therein which is illegal. Given under my Hand and Seal this 27th Day of August 1731.

John W——t.

I BELIEVE I may defy any Man in England to match this Search Warrant: It appears, upon the very Face of the Warrant, that it had been proved upon Oath, That my Goods had been stolen and that the said stolen Goods were in the House of John Piers. Upon which Mr. Justice commanded the Constable, in his Majesty's Name, to search the House and Barn of the said John Piers for the said stolen Goods; and yet, immediately afterwards expressly orders him not to break open any Door. How to make these two Orders consistent with one another, is, I confess, past my Skill; and I am afraid, would a little puzzle even the Learned Gentleman who gave them.

I represented to him, that he was commanding *Impossibilities*: I desired nothing more but that he would give me a *Search Warrant* in the common *Form*, and allow the Constable to execute it as he did all other Warrants of the same Nature. I even offered to give him sufficient *Security* to save both himself and the Constable harmless for so doing: I told him the meanest *Cobler* in *London* was never refused what he now asked; and that no body knew better than himself, that all the Justices in *England* issued their Warrants to search Houses without any *Restriction*, when positive *Oath* was made before them that stolen Goods were in such Houses.

He confessed that most Justices did act in that Manner; but added, That having considered how the *Law* stood, he did not take such Warrants to be *legal*; and therefore must desire that he would excuse him from granting me such a Warrant.

IF the *Law* stands as this Gentleman says, I own he has done me no Injury; but then one Thing I am sure of, viz. That if, when our Houses are broke open, and we know where our Goods are carried, we must not be fully impowered to search for them, it is high Time that all *Englishmen* should know in how blessed a Condition they are, and how firmly their Properties are secured to them. I believe, Sir, I may venture to assure you, that if the Tradesmen in *London* believed the *Law* stood as this learned Gentleman says it does, they would not sleep one Night quietly in their Beds, till your House met again, and they had a new Act of Parlia-

Parliament passed for the Security of their *Properties*. If this learned Gentleman is right in his Notion, (for I will not suspect that he did not believe himself, what he told me,) it is likewise high Time that all the Justices in *London* (I might perhaps add, all over *England*) should be informed, That they have hitherto acted either like a Pack of ignorant Fools, or a Gang of *House-Breakers*. These Considerations, Sir, make me conceive it highly necessary to lay my *Case* before the Publick. I am pretty confident, that if Constables cannot be empowered to *break open Doors*, and to seize stolen Goods, when it appears upon Oath that such Goods are in such an House, *Nine* Felons out of *Ten* will for the future escape, who are tried at the *Old Bailey*; and against whom I observe the *strongest* Evidence usually is, that the *Goods* stolen were found in the *Felon's House*. I will not suppose any Thing so much to the Scandal of our *Laws*, as to fancy that a *Point* on which the *Properties* of so many Persons must *daily depend*, is left *doubtful*, and a Thing for Lawyers to quibble, dispute, and harrangue upon; if it be, we have been most egregiously *bantered* in being so often told that our *Laws* are the *best* in the World. I dare say, this *Point* is fully settled in all *Foreign Nations*, even among the *Hottentots*.

I COULD get no other Warrant than such a one as I have given you the Copy of, nor could persuade the Justice to trust me even with *this*, till I had given him my *Word* and *Honour* that I would not suffer the Constable to break open any Door. With this strange sort of *Search-Warrant*, I rode to *Cuddeston* (five Miles from *Oxford*)

ford) where my House lies. The Constable whom I first shewed the Warrant, refused to do any Thing upon it: But at last, I made the *thing-Man*, or *Under-Constable*, promise me to go to *Piers's* House. I told him I would go either first my self, ordered him to stay some time behind me, and not to go to the House the same Way I went. Upon my coming to *Piers's*, my great good Fortune, I found the Door open; and going in, saw several of my Goods, such as a Clock, a Jack, and a good Quantity of Pew-ter in a lower Room, which was open. No body but *Piers's* Wife was in the House: She was so surprized to see me, that it was near ten Minutes before she spoke one Word. I sat down, and resolved she should speak first. At last she broke out into the following Words: *I thought you had been safe enough: I suppose you are come down to hang my Husband for breaking open your House, and taking away your Goods; but he heard you was in the Parish, and is got far enough out of your Reach; you shall never see him more.* I assured her I had no Warrant against him. But she told me she did not believe me; and that I should never see him, nor know where he was. At last the Constable came, who told me, That as he was coming to the House the *Back-way*, he met *Piers* in the Fields, going off; that he told him he was going to search his House for stolen Goods; but that he had no Warrant against him. Whereupon *Piers* said, That he would come to him; but that he much doubted, whether he would be as good as his Word. I made the Constable, however, stay a good while before we did any Thing; but finding it in vain to expect *Piers*,
I went

I went up Stairs, and looking through several Holes in the Doors of the Chambers, I saw several of my Goods in each Room. I saw in particular the strong Chest in which my Servant had lodged my Writings and Papers. The Constable commanded *Piers's* Wife in the King's Name to open the Doors; but this she resolutely refused to do. We were expressly forbid by our Warrant to break them open, nay, what was worse, I could not get even this Warrant till I had given my word and Honour that the Doors should be broke open. Leaving therefore the Constable in the House, I went with my Servant to the Barn, where he told me several of my Goods were hid; and looking into the Barn through several Holes, saw that a considerable part of my Goods were really there. *Piers's* Wife refused to open the Barn, as she had before done to open the Chambers. All I could do therefore, was to bid the Constable take such of my Goods as we found in the Rooms that were open, and carry them back again to my House, where I told him I would be answerable for them. The Goods he seized, were a Chest of Books and Pamphlets, a Clock, a Jack, a Chest of Drawers, some Chairs, and some other Things of no great value. I had forgot to take the Inventory of my Goods from my Servant, who was left under a Surgeon's Hands upon the Road, and therefore whenever the Constable, or any other Man who assisted him, took up any Thing which *Piers's* Wife declared did not belong to me, I made them lay it down again. Notwithstanding this my Civility, she gave me the most violent

abusive Language that can possibly be conceived ; and went at last so far, as to strike me. I hope I can keep my Temper under greater Provocations than a Woman's Hands, or Tongue. Those who were present, will witness for me, that I never returned her either an harsh or uncivil Word.

HAVING done all I could by Virtue of my Search Warrant, I rode back again to Justice at *Oxford*. I now made Oath before myself, as I could safely do, that my House was stripp'd of all the Goods I had left in it ; and that I had actually seen a great Part of them in *Mr. J.*'s House and Barn : That his own Wife confessed they were my Goods ; yet refused to open the Doors, and let the Constable take them. I told the Justice, that I had lost some Papers and Writings, which were of the utmost Consequence to my own private Affairs ; and that I perceived some of them were even of Consequence to the Publick : That I must look upon myself as a ruined Man, unless I could recover these Papers ; and therefore earnestly conjured him once more to grant me a *Search Warrant* in the common Form, which was never refused the meanest Porter in *London*. All I could say was to no Purpose. Though the Justice owned, That he did not at all doubt the Truth of what I and my Man had said, he was still pleased to be of Opinion, that he could not legally grant me such a Warrant as I desired. In this Place I cannot help saying thus much : If this learned Gentleman had legally have granted me such a Warrant as I desired, I have been most cruelly and most inhumanly treated : If he could not legally grant

me such a Warrant, I own I have no Reason to complain of him : But then, I must once more add, that it is high time the People of *England* should be informed upon how blessed a Foot the Properties stand ; and that every Justice should also be informed, That all the Warrants he hitherto granted to search for stolen Goods were *illegal* ; and that such Warrants for the future ought to run in the same Words with mine.

Thus much farther, with Submission to the *learned Gentleman*, I shall venture to say ; By the Laws of *England*, two positive Witnesses to the same *Fact*, are thought sufficient even to take away a Man's *Life* : Therefore, that two positive Witnesses, who *both* swear a Man's Goods which have been *stolen* from him are in such a Room should be sufficient to procure him a Power to break open that Room, and take his *own* Goods is so very agreeable to COMMON SENSE, and COMMON JUSTICE, that I would not willingly believe it is contrary to LAW. If turning a Key upon stolen Goods was sufficient to secure a Person in the Possession of them ; I humbly conceive, that two or three desperate Ruffians might rifle the Shop of the richest Goldsmith in *London*, carry off all his Plate, Cash, Books, and Bank Notes ; and after all this, if the Administration was corrupt, and Pardons to be bought might purchase a Pardon with one *Half* of the Booty, and put the *Remainder* into their own Pockets.

You may possibly ask me, Sir, Why I do not apply to some other Justice ? I answer, That I have constantly found the *Country Gentlemen* decline to act, and been referred by them to the *Gentlemen*

Gentlemen at the Bar, learned in the Law. Of
these there are but two in the City of Oxford:
one of them, viz. the Recorder, who has lately
been admitted into the Commission of the Peace,
(whatever his *Reasons* are,) has not yet qualified
himself to act in the County at large; the other
the Person to whom I did apply; so that I
had no Choice. I acquainted this learned Gentle-
man, That the three Persons, who had robbed
me of my Goods, had (as I believed they would)
fled from their Houses the Moment they heard
I was in the Country; but that the Constable had
taken Piers, and might have taken him, if he had
had a Warrant against him. I thought, at least,
that Mr. Justice seemed a little struck with what
I mentioned about Piers. In short, Badcock and
the other man were no where to be found all the while
I was in the Country; but after some Days, I
received a Letter from the Justice, that Piers
should appear before him at such a Time. I have
Reasons to think, that before he could be per-
suaded to appear, the strongest Promises were
made him, That he should be effectually screened,
and brought off, as he was before in the Case of
Farthing Verdict; and how punctually these
Promises were kept, my Readers shall see anon.
I went to the Justice's at the Time mentioned in
the Letter. I found Piers was there before me,
with an old Attorney well known in Oxfordshire.
Piers (who I believe had been well tutored) said
a little himself: He would neither own, nor
deny that he had broke open my House: His
Attorney spoke for him; and told me, That if I
should indict his Client for Felony, his Client
would indict me for the same Crime. Though

I was a little surprized at this modest Piece of Assurance, I resolv'd not to be bullied out of my Senses. I told the Justice, That however that Gentleman might act, I was resolv'd to indict *Piers* for the Felony; and therefore hop'd he would commit him till the next Assizes. I could not prevail on this Head: The Justice resolv'd to admit him to Bail; and though I declar'd upon Oath, That the Goods which I had lost, were of a very considerable Value, and that my Papers and Writings were still of much greater Value, I could only prevail to have him held to *Forty Pounds* Bail for his Appearance at the next Assizes. His Attorney then threaten'd me, that his Client should swear a *Felony* against me; and actually took the Bible in his Hand to deliver to him, that he might do so. But here the Justice thought fit to interpose, by declaring, he did not see there was the least Room to charge me with *Felony*, since I seem'd to desire nothing more, than to recover my own Goods. Thus, Sir, by good Fortune I escap'd being charged with a *Felony*. It may perhaps be thought more adviseable to charge me hereafter with *High Treason*. The Pretence for charging me with *Felony*, was this: *Piers* affirm'd, That in the Chest of Books, which the Constable had seiz'd in his House, there were two or three Books which were none of mine, but which he had borrowed of the Bishop of Oxford. Upon Inquiry, I found this to be false: The Bishop assur'd me, he had not lent him a single Book. Having done all I could in this unhappy Affair, I was forced to return back to London, after a very fatiguing and expensive Journey, with the

wretched

wretched Consolation, that I had found my House stripped of every Thing in it; and that though I had actually *seen* in *Piers's Barn*, and his upper rooms, the greatest Part of the *Goods* I had lost, could not be impowered to seize them.

THE Fatigue of the Journey under an ill State of Health, and my Reflections upon the cruel treatment I met with, threw me into a new Fit of Sickness. I resolved, however, if I was alive, to go down to the next Assizes in *Oxfordshire*; and being unable to ride, was carried down in a coach. As I was sensible no Arts or Cunning could be omitted to *screen* and bring off *Piers*, I thought proper to carry down an *Attorney* with me from *London*, a Man who was a Master of his Business, and in whom I thought I could confide. I likewise took my *old Servant* with me, by whom I had sent down my Papers, and who very well knew in what Manner my House was furnished before it was robbed.

UPON my Arrival at *Oxford*, I found that *Madcock* and *Gillman*, though they had absconded all the while I was last in the Country, and for some time after, were now grown so bold, that they appeared publickly, and suffered themselves to be taken by the Constable, whom I sent to apprehend them. I shall not here pretend to determine what were the Reasons of this their new Courage, or what Promises had inspired them with it. Having been assured before I left *London*, by some of the best Judges in *England*, that the Fact they had committed was a most plain and flagrant Felony, I indicted them and *Piers* for Felony accordingly.

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I FOUND some Difficulty even in getting the Clerk of the Indictments to draw up the Indictment; and have the strongest Reasons to believe that Gentleman had been *spoke with* before I saw him. Upon this Occasion, and several others the Attorney, whom I had brought down with me, told me twenty Times over, That *he observed such Things as he could never have believed, if he had not seen them himself; and that I might depend upon it, I should not be credited, if I related them in London.* The Indictment was, however, at last transmitted to the Grand Jury. I must confess, I am not able to comprehend, how any Felony can possibly be proved more fully than this was: Notwithstanding which (to the infinite Astonishment of many more besides myself) the Bill was returned IGNORAMUS. It is with the utmost Trouble and Concern, that I find myself obliged to say any Thing that may possibly be interpreted into a *Reflection* upon the Gentlemen of Oxfordshire, who composed the Grand Jury; yet I am in hopes, that when I shall say upon this Occasion is taken and considered together, what I am forced to say, will not be thought any Reflection upon them. I have Reasons to think, that the utmost Art and Cunning was used to induce them to do what they did do; that both my Character, and *Pierces* was misrepresented to them; that different Gentlemen were prevailed upon to do what they did by Arguments of a very different Nature; and that few, if any of them, knew *who* it was that were really serving and screening. I have the strongest Reasons to believe, that *some* Persons were under the utmost Apprehension of having the

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Affair brought before a *Court of Justice*; and, that if the three Fellows, who robbed my House, had been *convicted*, (which I cannot see how it was possible to have avoided, if they had been brought to their *Tryals*;) they might have made some *Discoveries* which would have surprized all the World. For my own Part, as highly as those Wretches have injured me, I am so far from thirsting after their *Blood*, that if they would have made an ingenuous *Discovery* of one certain *Fact*, I would have been the first Man in England to have interceded with his Majesty for their *Lives*. Depending wholly upon the *Justice* of my *Cause*, I never spoke to any one Gentleman upon the Grand Jury; nor do I, to this Day, know the *Names* of more than *two* of them. It is true, that after the Bill was returned *Ignoramus*, I endeavoured to have got a *List of their Names*: I applied for it; I offered any *Money* for it: I was promised I should have it; and yet at last, was not able to procure it. I must, however, do the Gentlemen of the Grand Jury this farther Piece of Justice, If I am rightly informed, they were not *all* unanimous in their Opinion for returning the Bill *Ignoramus*; and some of them have, since the *Affizes*, expressed their *Dissatisfaction* at what was done. Lastly, I must do them the Justice to own, That when I was examined before them, I was treated with the utmost *Good Breeding* and *Politeness*.

HAVING premised thus much, I shall lay before you, and my Readers, an exact Account of what passed at my *Examination*. When I heard the Bill was returned *Ignoramus*, I immediately set up this Account, while the whole Thing was fresh

fresh in my Memory, and before several Witnesses : For the Truth of this Account, I da-
boldly appeal to the Gentlemen of the Grand
Jury themselves.

To avoid the Monosyllable *I*, and a continu-
Egotism, I have taken the Liberty to speak
myself as of a *Third Person* ; and since I do not
know the Names of those Gentlemen, who asked
me the particular Questions mentioned in the fol-
lowing Account, I have placed before the
Questions the Word *Jury*.

*A true Account of what passed at Mr. Budgell's
Examination before the Grand Jury for the
County of Oxford, at the last Assizes held at
that City, on the Second Day of March, 1731.*

MR. BUDGELL being called in, was received
with great Civility by the Gentlemen of
the Grand Jury, who rose up and saluted him.
He began by saying, That he was glad of the
Opportunity of appearing before so many Gentle-
men of Worth and Honour in the County.
That he believed he had been misrepresented by
some of them ; but that he could heartily witness
not only the Gentlemen there, but that every
Gentleman in *England* was present, and could be-
lieve so at the Tryal, which he believed would soon
come on, that they might be Witnesses after
what Manner he had been treated. He told
them he had been lately so ill, that his Life was
thought in great Danger ; that he was still very
weak ; and that nothing but an absolute Necessity
to secure, and defend his Property, should have
made him come down to the Assizes. He then

He then gave them an Account of his being *robbed* of the whole Furniture of his House; of his finding and seizing Part of his Goods in *Piers's* House, and of what passed there, in the Manner before mentioned. The Gentlemen of the Jury heard him with great Patience and Attention; and when he had done speaking, asked him the following Questions; to which he returned the following Answers.

JURY. I think, Sir, You are pleased to say, that your House is intirely stripped from Top to Bottom; now you mention in your Bill, but one Time when you was robbed: Pray, Sir, How could three Men carry off the whole Furniture of a House in one Time?

ANSWER. Gentlemen, What you are pleased to observe, is very true: My House is intirely stripped from the Garret to the Cellar; but the Furniture was so far from being carried off at once, that you may please to remember, I informed you, that I had received four or five several Letters from my Servant, to let me know, that my House had been broke open in the Night, or five several Times before the First of March last; and that Part of the Goods had been taken away at each Time; but that till that Morning he could never catch the Thieves, and consequently could not swear who had broke open my House, and taken my Goods.

JURY. Pray, Sir, Why does your Servant fancy your House was broke open in the Night?

ANSWER

ANSWER. Gentlemen, The Man himself at the Door, and you will soon have him before you; but the Reason why, he told me, he thought the House had been broke open in the Night, because he saw several Goods in it in the Evening which were gone the next Morning.

JURY.. Pray, Sir, I think it was about seven or eight a Clock in the Morning when your Servant caught Piers, Badcock, and Gillman?

ANSWER. Yes, Gentlemen, it was; but I think they must have been at work the Night before; because, when he came upon them, the House was not only broke open, but a great Parcel of Goods, which they were then carrying away, were removed into the Court, and an Out-house.

JURY.. Sir, We wonder they would stay so long as seven or eight a Clock in the Morning, when your Servant lay in the House.

ANSWER. I beg Leave, Gentlemen, to say you right in that particular: My Servant does not lie in the House, but in his own House, at a great Distance from mine, though in the same Parish. He always kept the Keys of my House, indeed, and used to go down to it once a Day, to see that the Goods in it were safe. My House stands by itself, and no Body lay in it; which I presume made those who robbed it venture to stay so late.

JURY

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JURY. *Sir, 'Tis very well known in the Count-
y, that there have been a great many Goods taken
of the House : But pray, Sir, upon the Oath
you have taken, Whose Goods were they ? Who had
real Property in them ?*

ANSWER. Upon the Oath I have taken, Gen-
tlemen, all the Goods in the House were my own :
I bought them, paid for them, and had been in
undisturbed Possession of them for several
years before.

JURY. *Upon the Oath you have taken, Sir,
are none of those Goods Mr. Piers's ?*

ANSWER. Upon the Oath I have taken,
Gentlemen, Mr. Piers had no Goods, to the Va-
lue of one single Penny in the whole House.

JURY. *Upon the Oath you have taken, Sir,
don't you know, or have you not heard, that Piers
pretends some Title to these Goods ?*

ANSWER. Upon the Oath I have taken, and
upon the Honour and Word of a Gentleman, I
neither know, nor have heard, nor can possibly
imagine, that Piers pretends any Title to these
Goods. However, Gentlemen, if he can shew
the least Colour of a Title to any of them, he will
certainly do it now upon his Tryal ; and it will
certainly have its proper Weight both with the
Judge and the Jury,

JURY. *You were pleased to say, Sir, that you
bought, and paid for these Goods : Pray,*

may we ask you when, and where you bought
paid for them?

ANSWER. Gentlemen, I shall with a great deal of Pleasure give you a full and true Account how I came by every Thing in the whole House. The most valuable Things were brought down from my House in *London*: I lived for many Years together in an House in *Arundel-Street* which I believe several Gentlemen here know. Governor *Russel* lived in it before me: It is the best House in the whole Street, had four Rooms on a Floor, five Windows in Front, and for Mr. *Congreve's*. All my Servants, and the *Oxfordshire* Carriers can witness, that I brought down to *Denton* from this my House in *London* Beds, Sheets, Table-Linen, Pewter, Plate, and other Things: The Plate indeed, by good Fortune, was carried back again to *London*. Another Part of the Goods, Gentlemen, it is true were some Years since Mr. *Piers's*; but they were taken in Execution at the Suit of one *Sandbrook* Mr. *Wells*, a Gentleman, who has a good Estate who is now in Town, and whom I have prosecuted, bought them of the Sheriff on the 3^d of *January* 1726. I bought them of Mr. *Wells* who carried some of them with me to *London*, and have been in Possession of the rest of them ever since the Year 1726, without Mr. *Piers's* pretending the least *Right* or *Title* to them. The rest of the Goods, Gentlemen, were such as were bought here in *Oxfordshire*, at several Times. I wanted them.

JURY. Pray, Sir, when you searched Mr. Piers's House, did you see any of your Goods there which you brought down from London, or bought in Oxfordshire?

ANSWER. Yes, Gentlemen, a great many: the very first Thing I cast my Eye upon, when I came to Mr. Piers's Door, was a large new Lock which I bought at Oxford, and which my servant put upon my Hall-Door by my Orders. The Fellow is now at the Door, and I believe I can swear to the Lock.

JURY. Pray, Sir, had you never a Law-Suit with Mr. Piers?

ANSWER. Yes, Gentlemen, I formerly had; but we have made no Step against one another in Law for at least these three Years, I believe I may say, these four Years past.

JURY. Be pleased, Sir, to give us some Account of your Law-Suit with Mr. Piers.

ANSWER. Though this, Gentlemen, is quite foreign to the Felony; yet I am very glad you are pleased to give me an Opportunity of telling you the Story. Before the South-Sea Year, I bought one undivided Moiety of Mr. Piers's Mansion House, Outhouses, and Gardens, in present Possession; and the Reversion of his whole Estate (which is about 100*l.* per Annum, part Leasehold) after his Decease. For this Estate, I honestly paid my Purchase-Money, which prevented

vented his being flung into a *Gaol*. I think I can prove that it was no *cheap* Purchase, when he bought it ; but as he has managed Things since, I believe it has been one of the *dearest* Purchases that ever Man made. *Piers* was obliged by our Writings executed between us, to cut down no *Timber*, nor even a Stick of *Wood* upon the Freehold Estate, without my expresse Leave : Notwithstanding which, as soon as I had paid my Purchase-Money, and was gone up to *London*, he cut down a good deal of *Timber* and *Wood*, and a long shady Walk in the Garden, which I had often heard me say, I would not lose for a hundred Pounds. To prevent such Devastations in the future, in the Year 1723, I came to a second Agreement with him, which we both signed with our own Hands, and which was likewise witnessed. By Virtue of this last Agreement, I was to have full Possession of the *whole House*, and all the Estate, from the Time our Agreement was signed. In Consideration whereof, I was to pay *Piers*, so long as he lived, *four score Pounds per Annum* Nette Money, which is more than ever he made of the Estate in his Life. Having made this Agreement, I returned to *London* (where my Affairs called me) pretty well satisfied ; but he had not been many Weeks in Town, when I received Advice, That *Piers* was cutting down my Trees and committing as much Waste as ever. Upon my coming into the Country, I found the Intelligence I had received was too true ; and *Piers*, to my great Surprise, refused to receive his *Annuitie*, which I tendered him, or to execute our Agreement. By this Means I was forced into a Law-Suit, whether I would, or no. Mr. *Wickham*, a Gentleman

n, who (I dare say) was well known to every son in this Room, who was an old Acquaintance of *Piers's*, and the *best Friend* he had, heard of our Differences, came to me, and told me, *should be glad to make up Matters between us.* answered, That I was so well satisfied he was a *honest Gentleman*, that I would entirely rely on every Thing to him. He told me, That he would not take the whole Matter upon himself, that Mr. Serjeant Skinner, the Recorder of Oxford, (a Gentleman, whom I had never then seen,) was a very worthy Man : That if I pleased, he would engage the Serjeant should settle all Writings and Matters of Law between us ; while he himself would act the Part of a Country Gentleman and a good Neighbour. I readily agreed to his Proposal ; whereupon he told me, that he would engage *Piers* should agree to it. Upon talking with *Piers*, *Piers* did agree to it ; so that he and I went amicably together, and bespoke a Dinner for the Entertainment of our referees at the noted House here upon the Heath between *Cuddesdon* and *Oxford*. On the Day appointed Mr. *Wickham* and Mr. Serjeant Skinner came there : I met them. To our great Surprise *Piers* never came near us, or so much as sent an excuse ; but left me to pay for the whole Entertainment he himself had bespoke. I have heard that he was *advised*, or rather *ordered* to behave in this Manner, by a certain Gentleman, whom I shall not now name.

The Bishop of *Oxford*, who resides in the parish where this little Estate lies, and who had me Kindness for *Piers*, desired me likewise, soon after this, to make up Matters with him,

and offered to be the Mediator between us. He told his Lordship that since he was so kind as to take so troublesome an Office upon him, I had but one Thing to say, namely, That *I entirely submitted all my Interests to his Lordship's Determination.* His Lordship upon this frank Confession, thought himself very sure of composing all Differences between Mr. Piers and me. He had even the Goodness to invite Piers to dine with him, and kept him one whole Day, in order to persuade him against going to Law, and to end Things amicably: But his Lordship found to his infinite Surprize, that all he could say was to no purpose. I should not, Gentlemen, presume to mention the Names of the Bishop of Oxford and Mr. Recorder, if I had not express Leave from them to tell these two plain Facts whenever I found it necessary to do so, for my own Justification. I hope, Gentlemen, that the two Stories are sufficient to convince you, that I am not a *litigious Person.* To make short of my Account, This Piers, a Man to whom I have often lent Money to buy *Bread* for his Family, a Man, who to my certain Knowledge is not worth one *Shilling*, if his *just* Debts were paid. I say, Gentlemen, this Man has constantly refused to hearken to any Accommodation, and has carried on two Chancery Suits against me at vast Expence for several Years together: That he hath been supported in an extraordinary Manner, all the Neighbourhood are fully sensible: By what *Persons*, or with what *Design*, he has been thus supported, I shall not at present endeavour to determine.

JURY. Do you take the House, Sir, which was robbed, to be your own?

ANSWER. Yes, Gentlemen, I do. I bought an undivided Moiety of the House, and was in Possession of it before the *South-Sea* Year. By an Agreement, which *Piers* signed in 1723, I was to have the other Moiety from the Date of the Agreement. *Piers* quitted the Possession of the whole House to me in the Year 1725, and has since lived in several other Houses at a good Distance from this House, which I think I may properly call *mine*. However, Gentlemen, you have not indicted him for *Burglary*, though he broke open the House: He is only indicted for *Felony*; and with Submission, even though we had lived together as Tenants in Common, and in the same House, it would certainly have been *Felony* if he had stolen my Goods.

JURY. You said, Sir, that *Piers* fled for this Felony; now that would indeed be a Sign of his Guilt: But what makes you think, Sir, that he is innocent?

ANSWER. Gentlemen, I think so, because the Thing his Wife said, when she could speak for him, which she was not able to do for some Time, was, I thought you had been safe enough: I suppose you are come down to hang my Friend, for breaking open your House, and taking away your Goods: But he heard you was in the

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Parish,

Parish, and is got far enough out of your Reach you shall never see him more.

JURY. *He might be gone to see a Friend Why do you think he went away for fear of you?*

ANSWER. Gentlemen, the Constable, who will soon be before you, will inform you, That he met him as he was going off; and told him he had a Warrant to search his House for stolen Goods, and desired him to be present: The Piers promised he would; but that, though he staid a long Time for him, he never came near us. After some Days, indeed, he was encouraged to appear; and I can even guess by what Person he was thus encouraged.

JURY. *Pray, Sir, were the Chest of Drawers the Clock, and the Jack, mentioned in the Indictment Part of those Goods which you brought down from your House in London, or were they Part of the Goods which you bought of Mr. Wells, and which he bought, as you inform us, in the Year 1726 of the Sheriff of Oxfordshire?*

ANSWER. The Chest of Drawers, the Clock, and the Jack, were Part of the Goods bought of Mr. Wells: Other Things mentioned in the Indictment I brought down from my House in Arundel-Street.

JURY. *Sir, when you gave us an Account of your seizing your Goods, you told us you saw some of your Goods through the Key-Holes, or other Holes*

several Rooms, which Piers's Wife refused to
 en; and that though you saw a great Quantity
 them hid in a Barn at some distance from Piers's
 ouse, you durst not break open any Door, be-
 use there was a Restriction in the Warrant grant-
 you by Mr. W——t, to prevent you from so
 ing. Now, Sir, to be sure, if it had been proved
 on Oath before Mr. W——t, that any of your
 ods had been stolen out of your House, and were
 any particular Place, he would have immediate-
 granted you a Warrant to have broke open the
 or of that Place.

ANSWER. Why, Gentlemen, I must con-
 I did think so too; and I never in my Life
 ew such a Warrant refused before, even to the
 anest of his Majesty's Subjects: But Mr.
 —t, who I am sensible is a very ingenious
 Gentleman, and learned in the Law, might, for
 ight I know, have particular Reasons for whar
 did.

JURY. Pob, Pob! Sir, To be sure he would not
 se you a Common Search-Warrant; nor have
 en you his Warrant to search a House for stolen
 ds, and yet have put a Clause in it, to pre-
 your breaking open any Door: There was ne-
 such a Warrant in the World.

ANSWER. Why, Gentlemen, to be plain with
 I did think this Warrant so great a Curio-
 that I took Care to take a Copy of it; I
 eve I have it now in my Pocket, and if you
 se, will read it to you.

JURY. *Ay, ay, Pray Sir do, this is for
thing to the Purpose.*

MR. *Budgell* then took out an attested Copy
of Mr. *W——*'s Warrant, and read as follows

*Oxon' ff. To the Constable of Cuddestdon in
said County, and also to the Constable
of Denton in the said County of Oxon
and to each of them.*

“Whereas it hath been proved upon Oath
“before me, one of his Majesty's Justices of Peace for the said County, That several Goods
“belonging to *Eustace Budgell* Esquire, have
“been stolen out of his House in *Denton* in the
“County of *Oxon*; and that the said stolen
“Goods are now in the House of *John Piers*
“of *Cuddestdon* aforesaid.” [Pray Gentlemen
observe, *Whereas it hath been proved upon Oath
before me, That several Goods belonging to Eustace
Budgell Esquire, have been stolen out of his House
and that the said stolen Goods are now in the House
of John Piers:*] “These are therefore in the
“Majesty's Name, to require you to search the
“House and Barn of the said *John Piers* in
“*Cuddestdon* aforesaid for the said stolen Goods:
“you are not to break open any Door, or to
“any Thing therein which is illegal.” Given
under my Hand and Seal this 27th Day of August
1731.

John W——t.

THE Gentlemen of the Jury look'd at one another, and seem'd to be a good deal *surprized* on the reading this Warrant: They took it out of Mr. *Budgell's* Hand; several of them look'd on it; and one Gentleman observ'd to another, who sat by him, that it was only a *Copy*, and not the *Original Warrant*.

MR. BUDGELL, after this, told them, That he found by the very Questions which had been asked him, that every Gentleman there was satisfied that his House had been robbed, and the Goods in it taken away; and that indeed, the Fact was too notoriously known to all the County, to be denied.

HE then informed them, That though his Goods alone were of a very considerable Value, yet that the Loss of *these* was far from being the *greatest Damage* he had sustained; that having some *Papers* of very great Consequence both to his own *private Affairs*, and some other *Matters*, which he was apprehensive it was not safe for him to keep by him in *London*, he sent down a trusty servant with them, who had lived with him about ten Years, and who was then at the Door; that he gave his said Servant a strict Charge to lodge the said *Papers* in a strong Chest in a little Closet in an upper Chamber of the House, and to bring away the Key of the Chest she put them up, and likewise the Key of the Closet, and not to trust the said Two Keys even with his own servant, *Abraham Maids*, who had the Keys of every other Room in the House; that his said servant took a Journey on Purpose from *London* to his House near *Oxford*, and assured him, when he came back, that she had got the strongest and

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and largest Chest in the whole House removed into the said Closet, bought two New Locks, one for the Chest, and the other for the Closet Door; and having left the said Papers under the two Locks, brought away the two Keys with her to London. He told them, that his Servant had ever since had these Keys in her Custody, that the Chest, and all the *Writings* in it, which were of great Consequence both to his own *private Affairs*, and otherwise, were taken away, and that he hoped, as he spoke to *Gentlemen*, they would consider the *uncommon Barbarity* of this Action.

He concluded with telling them, That he believed he had said much more than enough to convince them, that there could not possibly be a more *notorious Felony*; that he had had the quiet and undisturbed Possession of all the Goods in his House for five or six Years before he was thus robbed of them; that his Enemies never attempted this consummate Piece of Villainy till they thought he was *dying in Confinement*, and would never be able to *complain* to the World. That he conceived there could not be a more evident Sign of the *Guilt* of those three Fellows who had robbed him, than that the very Moment they heard he was come into the Country, they all three fled from their own Houses and Families, and absconded for some Time: That it was evident, they had always carried off his Goods by *Night*; because, otherwise, some body or other in the Parish must have seen them doing it: That as for their *Fortunes* and *Characters*, he believed he might safely aver, they were not all together worth *Five Pounds*: That

his own Knowledge, *Piers* was not worth a
telling, if his *just* Debts were paid; and that a
Lock he had played his *own Mother* many Years
ago, shewed him capable of any Thing: That
the other two were *Day-Labourers*: That he was
advisedly informed, *Gillman* had a very *bad* Cha-
racter; and that *Badcock* was one of the most
notorious Rogues in the Country, and had been
several Times in *Gaol*, which he believed every
Gentleman in the Room must know.

Mr. BUDGELE's Examination having taken
about an Hour and half, he was dismissed, as
he had been received, with great Civility:
he left the Gentlemen of the Grand Jury, as he
imagined, fully satisfied with the Answer
he had given to every Question they had asked
of him.

Abraham Maids, his Servant, was next called
before them, who gave them the same Account,
which he had given before to his Master, and the
same Office; the Substance of which the Readers
may see in his *Deposition* in the *Appendix*: He
told them, that his Master's House was well fur-
nished, and had been under his Care for several
Years before it was broke open, and robbed;
that that within a few Months, before he actually
saw *Badcock*, *Piers*, and *Gillman*, the said
House had been broke open, and robbed several
Times, and constantly in the Night, as he had
the strongest Reasons to believe; of which he
had sent his Master a faithful Account in several
Letters. Being asked, If he could swear to the
Lock in particular, which his Master had men-
tioned in his Examination; he replied, That he
could very well swear to the Lock, because it was
bought

bought in Oxford, and his Master with his Hands gave it to him, and ordered him to put on the Hall-Door; which he did accordingly.

Mr. BUDGELL's Maid Servant was next called in, who gave the Gentlemen of the Jury an Account, That her Master's House near Oxford was well furnished with such Goods as were taken down to it from his House in *Arundel-Street* and with such other Goods as he had bought in *Oxfordshire*; but that the said House was now entirely stripped of every Thing; and that being carried by her Fellow-Servant to a Barn of *Piers* which stands in a Field, she looked in through the Boards, and saw a great many of her Master's Goods in the said Barn. She farther told them That about two Years before, she had been sent down from *London* on purpose to lodge for Papers, which her Master told her were of the utmost Consequence to him, in a strong Chest in a little Closet of an upper Room; that she caused the said Chest to be accordingly removed into the said Closet, put the Papers into it, and put a new Lock both to the Chest and Closet-Door; that she afterwards took away the two Keys with her, which had ever since been in her Custody; and then she produced the said Keys to the Gentlemen of the Jury.

THE Reader may see her Affidavit at length in the *Appendix*.

LASTLY, The Constable, who seized Part of the Goods in *Piers's* House was called in; who told the Jury, *All he could say, was, That he had seized some of Mr. Budgell's Goods, which were found in Mr. John Piers's House. Being asked How he knew they were Mr. Budgell's Goods*

replied that, *Though Piers himself run away ;*
that his Wife, whom they found in the House,
and that the Goods they seized were Mr.
Agell's.

THIS is the Evidence which was given to the
and Jury. Upon which I must, and do sub-
mit to *all my Fellow-Subjects*, (since *my Case*
one Day be their own,) Whether there ever
was a more notorious and wicked Felony? whe-
ther it is possible in Nature, that any Felony can
be more fully proved? and whether ever a
Case before was returned *Ignoramus*, upon such Evi-
dence? At the same Time, I must repeat once
more, That I am well satisfied, no Arts, no
Schemes, were omitted to *screen* Piers and his
Friends; and that both his Character and
Cause were misrepresented to the Gentlemen of
the Grand Jury; who, as I before observed,
were so perfectly *Strangers* to me, that I never
spoke to one of them, but in the Jury Chamber,
I do at this Hour know their *Names*. I must
omit one Circumstance: No Endeavours
were omitted to take off my Servants Evidence.
My Attorney questioned him with so much
Authority, that the poor Fellow thought he had
a *Justice of the Peace*, and had a *Right* to
fine him. He assures me, That he was
threatened by more than one Person, that if he
did not appear as an *Evidence* against Piers at
the Assizes, he should be utterly ruined. The Fel-
low (which is almost a *Miracle* in these Days)
gave Proof both against *Threats* and *Promises*, and
thought himself obliged to be faithful to a Mas-
ter whose Bread he had eat. When he was found
inflexible, an Action (never once thought

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of before) was actually trumped up against him *Piers's* Name, and tried at the last Assizes at *Oxford* for a *Trespass*, which, it was pretended, poor Fellow had committed above *two Years* before this Action was brought. This *Method* Proceeding was entirely of a Piece with the sign I have *already* taken Notice of, to have dictated me for *Felony*. Though I think I can prove even to a Demonstration, That this *rigorous Cause* was assisted with a little *Perjury*, even with *this* Assistance, those who set it on Foot, were not able to make any Thing of it. However, it answered *one* Design; which was put me to a *new Expence*: I was obliged to send my poor Servant, who, I saw plainly, fallen upon for no other Reason, but because he was faithful to me. I leave my Readers to determine whether all these *Law-Suits* could be created and carried on by *Piers* himself, or to my certain Knowledge, is not worth *One* *Syllable*. I must own, I could have heartily wished (for more Reasons than one) that a certain learned Gentleman had not appeared, in this *creditable Cause*, a most zealous Council for *Piers* the Plaintiff against my poor Servant; especially if what I have heard is true, namely, that the learned Gentleman was pleased to act *gratis* upon this remarkable Occasion, or, at least, had no *Fee* given him by *Piers*, his pretended Client.

O *Law*! O *Justice*! to what infamous signs are your most sacred Names too often perverted!

UPON my being unable to get the Indictment found against the Persons who had robbed my House, I was advised by a certain learned

man, with a sort of a *grave Sheer*, to move
Court of King's Bench for an *Information*
inst them. This, indeed, was finding me
re *Employment*, and cutting out *three new*
Suits for me: Upon the *Conclusion* of which,
as likely to recover *proper Damages* against
the Fellows, who, I believe, all together are not
worth *Five Pounds*. Besides, Sir, to tell you the
truth, though they were worth 5000*l.* each, I
could have no great Stomach to have a second
trial for *Damages* at an *Oxford Assizes*: In
the Court of Justice, where my *Liberty* has been
already valued at *One Farthing*, I think I can
easily expect that all my Goods and Papers
should be valued at more than a *Penny*. I shall
venture to affirm, That my *Papers* alone are of
more Value than all the three Wretches who
robbed me of them, were ever worth in their
lives; and would they but restore me *these*, and
it was lawful to compound a Felony, I would
most willingly give them all my *Goods* to be di-
vided amongst them. I would, indeed, stick at
no Charge I could any ways support, in order to
recover these Papers: And therefore, some time
before my Return to *London*, consulted a Gentle-
man, who makes as good a Figure in the King's
Bench, and, I believe, understands the Practice
of that Court as well as any one Man in *England*,
whether I could properly move for an *Informa-*
tion? I laid the Affidavits before him, upon
which I had some Thoughts of moving the
Court. Upon perusing these Affidavits he told
me That my Affidavits proved a great deal too
much; that they proved a *plain* and *flagrant*
fraud; and that I might depend upon it, my

Lord Chief Justice would direct me to prefer those who had robbed me for *Felony*, and would never grant an *Information* against them. When this Gentleman said, made me lay aside Thoughts of moving for an *Information*: What he said seemed to me to be perfectly agreeable to JUSTICE and REASON, as well as LAW. I could say the same Thing of the Opinion of every Gentleman, who, with the Assistance of a long Wig, and a formal Face, has passed up the World for a most profound Lawyer.

You see, Sir, the miserable Situation I am in. I have been most notoriously robbed of my Goods and Writings; yet can neither make those who robbed me appear to be *Felons* in *Oxford*, nor to be any Thing but *Felons* in *London*.

I PRESUME you cannot but observe, Sir, what *Methods* I have been forced to have Recourse to *Courts of Justice*, and after what *Manner* I have been treated in them. I hope I may be allowed to affirm a *plain Fact*; namely, that I have paid *greater Costs*, and received *less Damages*, than ever any *Englishman* did before in the same Circumstances. If you should ask me how I am to be thus made a *Precedent of Severity*, and marked out for Destruction? instead of giving you a direct Answer, I beg Leave to tell you one *Story*, which may possibly enable you to guess, whether I really am singled out for Destruction, or not.

I SHALL make no Scruple to tell you the *Story*, since it can at present do no Injury to any *amiable Nobleman*, who deserved a much better Fate, and much kinder Usage, than he met with; I mean the late Duke of *Portland*.

Ever

EVERY body knows that Noble Lord lost a great Estate in the *South-Sea* Affair in the Year 1720. I myself lost above *Twenty thousand* Pounds of my own Money, by that notorious Piece of Villainy: A Villainy, which notwithstanding all the Arts that have been employed to conceal and cover it, will, I hope, still appear to the World in a clearer and a truer Light than it has ever yet shewn. My Misfortunes in the said Year 1720, brought me acquainted with the Duke of *Portland*. At his Grace's Request I wrote several Things in behalf of the *unhappy* sufferers by the *South-Sea* Scheme; and was, in particular, the Author of those REASONS which were delivered to the Members of Parliament at the Door of the House of Commons, and were generally thought to have occasioned that Act, which afterward passed for *Annulling fraudulent and usurious Contracts*. My Lord Duke, in Compassion to his *Fellow-sufferers*, caused the several Pieces I wrote to be printed and dispersed at his own Expence. I was obliged to talk with him frequently upon these occasions; and his Grace at last conceived so good an Opinion of me, that he commanded me to let him see me every Day, and usually made me dine with him three or four Times every Week. While I lived in this Manner with this great and amiable Man, he was appointed Governor of *Jamaica* by the late King: Soon after his Warrant was signed, his Grace took me one Morning into a private Room, and with as sweet and as obliging an Air as ever Man spoke, told me, He was now fixed in the Government of *Jamaica*: But though it was a Post he himself had desired

*desired the King to grant him, he should not
easy, unless I would promise to go with him as
Secretary : That he knew very well I had former-
been in a much higher Post than what he now offe-
red me ; but that I might depend upon it, there
no other Post in Jamaica in his Power to dispose
which he would not readily add to it : That
proposed to have me constantly with him ; and
I should look upon his House and Table as my own
for that he resolved to live with me not as a Master
but as a most intimate Friend, and as if I was
own Brother.*

I WAS a good deal surprized at this Proposal
as it was altogether new to me, and what I had
never so much as once thought of. I told
Grace, That though I found my self infinitely obli-
ged to him, I hoped he would give me two or three
Days to consider of what he had said. The Duke
granted my Request ; but told me, that he hoped
the more I considered of it, the better I would like
it ; for that I might depend upon it, I should find
him better than his Word in every Thing he had pro-
mised. I had a particular Reason to desire some
time to consider of his Proposal ; I knew my
Lady Dutchess was resolved to go with her be-
loved Consort. He had often spoke to me with
the highest Admiration (and I had my self in
some measure been a *Witness*) of the generous
behaviour of this incomparable Lady : She had ne-
ver once reproached the Duke with his Conduct
since his Misfortunes : Her Behaviour, if possible
was rather more *endearing* and submissive than
before : She had offered to reduce her own and
her Childrens Expences within such Limits
I am ashamed to mention : Though by her Birth

Quality she was inferior to very few Women in England, she had never thought her self above managing her Family Affairs : On the contrary, she had put all Things in her House upon as regular a Foot, and over-looked every Thing with as much Care as could have been expected from one who had she been born a private Gentlewoman. I conceived, therefore, that such a *Wife* had an undoubted *Right* to have no Man taken into her Family (especially upon such a Foot as the Duke proposed to receive me) whom she did not like ; I resolved not to accept of the Proposal his Grace had made me, till I was sure my Lady had approved of it. Having Reason to believe, a few Days after, that my coming into her Family would not be disagreeable to her Grace, I told the Duke that *there was not a Man in England besides himself, with whom she would venture to take a Leap into another World ; that I thought I knew his Grace, his Humour, and his Way of living, so perfectly well, that I was come to a Resolution to follow his Fortunes wherever he went, and to devote all my poor Capacity entirely to his Service.* The Duke received my Declaration in the most obliging Manner. From this Time I thought my self perfectly happy in a *Master* ; and his Grace did me the *Justice* to believe, that he had a *Servant* who sincerely loved and esteemed him, and was thoroughly attached to his Interests. I made it my Business to talk with several *Jamaica* Merchants, to learn all I could relating to the Place, and even flattered my self that I had hit upon something which at a proper Time would have been both for his Majesty's Service, and the Interest of my Lord Duke and that

that Island. His Grace, who was now firmly resolved to go where his *Fate* seemed to call him, (as the Motto * he assumed declared,) communicated to me every Day some of the Preparations he was making for his Voyage when, to his infinite Surprize, a *Secretary of State* was sent to him, to acquaint him, in the King's Name, That he might take any Man in England for his Secretary, except Mr. *Budgell*; but that he must not take me. I think I have been fully informed who it was that caused this Message to be sent; and I take this publick Opportunity to tell him, whoever he was, That the Action was base, wicked, and cruel. Nothing can more fully expose the *Meanness* of it, than that while I was misrepresenting me to my King, (who had before a very good Opinion of me,) he was making Professions of *Friendship* to me, though I no longer visited him as I used to do. I should be glad to know, Whether, when I was in publick *Posts*, my refusing to receive even the legal Presents of those *Posts*, and such *Presents* as the Government offered me, was so bad, so dangerous a *Precedent*, as to disqualify me from ever serving my Country again? If the Person who caused this Message to be sent, had acted in the same Manner, there would not indeed have been that immense Difference between our Fortunes which there is at present. I could tell him a Time, when that Difference was not altogether so great. He knows I know him: I am sensible that my having been conversant in a good

* Quò Fata vocantur

of my *Business*, my speaking and writing more
 languages than *one*; and having been in several
 foreign Countries, where I made the best Obser-
 vations I could upon their *Interests* and *Govern-*
ments; I say, I am sensible, *these* are *Crimes* he
 cannot *pardon*. I am, therefore, as little ca-
 pable of *asking* him for a Favour, as he is of
granting it. But though the several *Faults* I
 have mentioned, may, in his Opinion, be of the
 deepest *Dye*, I would intreat him to consider,
 whether it is not carrying his noble Resentments
 to a great Length, to prevent any other Man's
 doing me a Kindness, who may possibly think
 my *Crimes* not altogether so *unpardonable* as he

THE Duke of Portland, who conceived he
 had an undoubted *Right* to choose his own *Se-*
cretary, was not a little shock'd at the *Messsage*
 I have mentioned; and, I have Reasons to think,
 he would have shewn his *Resentment*, if I had not
 earnestly entreated him not to do so. I told his
 Grace that I could never have imagined a *certain*
 Person would have descended to an Action so very
 mean and *low*; but that since he was capable of
 this, his Grace might depend upon it, That if
 I took me with him, he would be *ill* used upon
 my account: I therefore conjured him to think
 no more of it, but to make *another* Choice. I
 did not, however, help saying in this Place, That,
 in my humble Opinion, the Pleasure a certain
 Person took in a *cruel* Action, got the better
 of his *Judgment* and *Discretion*. I should have
 thought he might have been pretty well satisfied
 with this, that finding he had broke all the *solemn*
promises he had made me, and was without any

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just Reason become my implacable Enemy was flying from my native Country to another World; from whence, it is highly probable should never have returned. I have some Reason to believe, That, upon second Thought, he found himself in the Wrong; since I had an intimation given me, That upon an humble Application, the Opposition to my going with the Duke might perhaps be removed: But I thought this *seeming Change* a little too late. After what I had seen, I was afraid his Grace would be used ill upon my Account, which I resolved, should never happen; and I began to reflect how I my self might be treated, if a certain Person, who I knew had *long Hands*, could now get me into so remote a Part of the World as *Jamaica*.

IN this Manner, Sir, was I torn from the Duke of Portland: His Grace found it impracticable to take me with him in the Post he had signed for me; yet could not part with a faithful *Servant*, who, he was satisfied, had a most firm and tender Regard for his Honour and Interest without shedding a few *Tears*. So lively a Proof of his Affection, made it impossible for me to imitate him; and not to think my self more than paid for the firm Resolution I had taken to have served him to the utmost of my Power and Capacity.

HE made Choice of a Gentleman in my Room who (though an honest worthy Man) was extremely *indolent*, and, in a Word, no more proper for a Post of Business.

THE unhappy Duke, when he came to *Jamaica*, was obliged to take the Drudgery upon himself of making his own Dispatches; and even draw up, with his *own Hand*, those long and tedious *Accounts* and *Remonstrances* which he was obliged to transmit to *England*, relating to *Colonial Affairs*, not easy to be explained, and set in full Light.

IF (as some People think) his *Heart* was broke in the *unkind Usage* he met with, while he was on this Side the Water, and after he got to *Jamaica*—a certain Person has a good deal to answer for, HAVING so often mentioned the late Duke of *Portland*, in the preceding Story, I shall in this place, say something of a Man whom I knew thoroughly, and in whose *Character*, I will venture to say, the Generality of the World was deceived.

THE late Duke of *Portland* was allowed to have been the handsomest Man in *England*; and, indeed, the finest Person of a Man (except I ever yet laid my Eyes upon. He was a perfect Master of all his Exercises; of Riding, Fencing, Dancing, &c. and was consequently a very proper Ornament for all the shewish Part of Court: His *Presence* gave a particular *Lustre* to all Balls, Assemblies, and publick Ceremonies: He was therefore constantly desired to appear at them, and was not of himself averse to it. This made him generally looked upon in no other Character than as a *Man of Pleasure*; and gave the World no great Opinion either of his Parts, Learning, or Capacity for Business. I must confess, I looked upon him in the same Light with other People, till I had the Honour

to be *intimately* acquainted with him : But I soon found my self very *agreeably* mistaken. The late Duke of *Portland* was what I shall venture to call a *good Scholar* : He understood *Latin* and *Italian*, and spoke two other Languages (namely *French* and *Dutch*,) as well as *English*. I have seen him more than once write a very beautiful *Letter* upon a *Subject* sufficiently delicate. He wrote a very good Hand, and spelt correctly. If any of my Readers should Smile, at taking Notice that he *wrote a good Hand*, could spell *English*; I beg Leave to inform them that I have known a *Secretary of State* who could do *neither*. He had a good Taste in *Musick*, *Painting*, and no bad one in *Architecture* and *Gardening*. His Fortune was inferior to few in *England*; and there was a certain *Magnificence* and *Splendor* kept up in his Family, much superior to what I have seen in the *Palaces* of many a *sovereign Prince*.

NOTWITHSTANDING this, by the Care of his excellent Lady, such a *Regularity* and *Order* was observed in all his *Expences*, That his *Private Fortune* was never hurt till the fatal Year 1720. He bore his *Losses* in that Year like a *Philosopher*; and would even sometimes, with a good deal of *Humour*, give an Account of his *wicked Arts* that had been used to ruin him. His *Table* was perfectly *elegant*; yet was he himself guilty of no *Excess*. His *Reason* was never disturbed by *Wine*; and he so much detested those *low Scenes* of *Lewdness* with which many of our Nobility are delighted, that he has assured me, he was never in all his Life in a *publick Brothel*. He had an infinite Fund

But the *Humour*; and in Company was ever
 y, Polite, and Cheerful: He furnished his
 shall *ota in Conversation*; and was never bet-
 ood L pleased, than when it turned upon some-
 angua ing that was *useful*, as well as *diverting*.
 as Eng had a *noble Generosity* in his Temper, and
 very h w perfectly well how to add to a *Favour*, by
 delia Manner of conferring it. The Magnificence
 it com dft which he had been educated, and the *vast*
 ile, at tune which fell to him upon his Father's
 Land, th, prevented his engaging in *publick Busi-*
 orm th till after the Year 1720: But in his Go-
 who o nment of *Jamaica*, all about him were amazed
 Music ee his *Application to Business*, and how very
 e and ble he was of it. I have already observed,
 few M he drew up most of his *Letters and Dis-*
 Magnifi bes with his own Hand; and I have been
 much ibly informed, That no Governor of *Jamaica*
 es of gave more Satisfaction in *Hearing and De-*
 e. Can cining all such *Causes* as were brought before
 and O s. He had, indeed, the two great Qualifica-
 That of *Judge* and Magistrate: He was neither
 fatal ial nor corrupt; so that I am very well as-
 ear lik ed, the Memory of himself, and that excel-
 es, wi Lady his *Dutchess*, (whom the Merchants
 unt of *Jamaica* would frequently recommend as a Pat-
 him. to their own Wives,) will be always dear to
 he him Inhabitants of that Island. His Grace was
 never from attaining the End he proposed in going
 n deta *Jamaica*, viz. to retrieve his Losses in the
 h man r 1720. He knew not what it was to live
 has o mean Figure, and was incapable of *fleeing*
 Life i People committed to his Charge. His *pri-*
 Fund Affair

vate Fortune, after he went there, was *hurt* by an Affair in which he engaged a little too hastily, and, if I am rightly informed, from a *Point of Honour*, he refused to meddle with certain Business, which if dexterously managed might have proved vastly advantageous to himself, the Publick, and the Crown. I cannot but adding, That he deserved a little kinder Usage than he met with in the Reign of a Prince of the House of *Hanover*, to which Illustrious Family he had given the strongest Proofs of an heroic Zeal and Attachment. As a Consolation to his Misfortunes, Providence thought fit to bless him with several *hopeful Children*, and, in particular with a *Son*, whose *fine Understanding*, improved *Learning*, and the *Observations* he has made in his *Travels*, seem to promise that he will one Day be the Ornament and Delight of his native Country.

PARDON me, Sir, for paying this *just*, *small Tribute* to the *Memory* of a great Man who would have done all in his Power to have rendered my Circumstances easy, and Life agreeable, had he not been prevented by a most common Instance of *mean Envy*, and *implacable Malice*.

I BELIEVE the Story I have told you, will abundantly convince you, whether I am, or am not singled out to be made a *Precedent of Cruelty and Severity*. We are told every Day, by a certain Set of Writers, That we live in a Country where our *Liberties and Properties* are secured to us in the most effectual Manner; where Justice is impartially administered; and where it is not in the Power of the greatest Man to oppress the meanest.

Liberty has been valued at *One Farthing*; though I am robbed of my *Property*, I am not able to *recover* it, nor to bring the Offenders to *Justice*. In short, I beg leave to repeat once again, That I have paid *greater Costs*, and received *less Damages*, than ever any *Englishman* did before in the same Circumstances. If this has happened without the Intervention of an *Abuse of Power*, I hope I may at least have leave to say, that I am a very *unfortunate Man*; but if any *one Person* (let him be who he will) has Influence enough to be the *cause* of such Proceedings, I leave my Readers to judge in how *degraded* a Condition the *Life*, the *Liberty*, and the *Property* of every Man in *England* is, except at *one Person's*.

If you ask, For what Reason I have been treated thus? I will venture to assure you, That it is for no *Crime* I ever committed, either against my *self*, or my *Country*. I will go a little farther; and give you a few Reasons why I humbly conceive, I have deserved a *milder Treatment*: While I am thus groaning under an unusual load of *Cruelty* and *Oppression*, I hope my Readers will have good Nature enough to excuse my saying *some Things* which would, perhaps, look *too vain*, if they were not *thus* extorted from me.

THE late Mr. *Addison*, to my certain Knowledge, performed at least as great, and as important Services for the House of *Hanover*, as any *one Man* now living. Besides this, his Writings of different Kinds have rendered his *Name* celebrated and *illustrious* over all *Europe*. To this great Man, I am the nearest Male Relation now living;

living : I owe Part of my Education to him and in Conjunction with himself, and Sir Richard Steele, wrote the *SPECTATORS*. This Work has been translated into most European Languages, and is no where thought a *Dignity* to our Nation. I was at *Paris* since the *Spectators* appeared in *French* ; and wherever I was known to have had a Part in them, was received by Persons of the First Rank, among that Polite and Generous Nation, after a Manner which I never *Vanity enough* (though, perhaps, every Man has *some*) to think I merited. Let all the learned *World* give the *French Nation* those Praises which are justly due to them. *Lewis* the Fourteenth (as *bloody*, and as *inhuman* a *Tyrant*, as we were pleased to represent him) had, at least the *Humanity*, or the *Good Sense*, to be a Friend and Patron to *Men of Letters* : He not only gave daily Instances of this among his own Subjects. He extended his Generosity even to learned Foreigners : He caused our Countryman, Sir *Isaac Newton*, to be elected a Member of the *French Academy* : At the same Time, he settled a Pension upon him ; and, I am told, caused this Pension to be constantly paid him during the *War*. If this is true, I will venture to say, That a single Action will appear greater in the Eyes of Posterity, than all the Actions put together in the Reigns of some Princes. We were lately informed in our News Papers, That Mr. *Voltaire* was courted and carressed, even by the Princes of the Blood at the *French Court*, for the Genius he has shewn in his *Life of the late King of Sweden*. A Man must, indeed, be very blind, who cannot see great Beauties in that Piece ; yet,

is very Piece fallen upon by our *Ministerial* *rs*; and my *Memoirs of the Family of the* happening to be published about the same I had the *Honour*, (for such I really in it,) to be abused in the same Paper with *Voltaire*. We are introduced in a Dialogue: Scene is my Lodgings; where Mr. *Voltaire* are supposed to acquaint one another, in *Confidance*, that we are a Couple of *Fools*, *blockheads*. However mean the Figure may which I have made in the *learned World*, I will re to affirm, That there is but *One Govern-* in all *Europe*, under which I might not re- that *Protection* which the Laws afford to other Man.

you may possibly imagine, Sir, from the I meet with, that I have been found en- in some *Plot*, and have been a *Traytor* to present Majesty: But I do assure you, this far from being the Case, that I have done *Services* both to the *late King*, and his *pre-* *Majesty*. The inhuman Treatment I have with, forces me to say a little more: These es have not been of a *common* or *vulgar* re; they have been *Services of the utmost* quence, and the *highest Importance*. Should Lines happen to fall under the Eye of her Sacred Majesty, the present Guardian of Kingdoms, and she should think me a little ardy in what I now assert, I am ready to her Majesty convincing Proofs, either in a te Audience, or in a full Privy Council, I speak *Truth*. Having named the Queen, leave to add, That I am well assured, both ex, and her own good Nature, must render

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her an Enemy to all *Cruelties*. I am as firm convinced, that her illustrious Consort can have nothing in his Temper that is *Cruel*, because *Mercy* and *Generosity* are the constant Inhabitants of a *brave Mind*. I hope, therefore, nothing I have said can possibly be interpreted into what I am sure, I never intended, viz. the least Reflection upon either of their Majesties.

HAVING, I hope, given sufficient Proof of my Loyalty to their Majesties, though I by no Means agree with a Set of Writers, who talk of a *Loyalty*, which is due from us to our *Ministers*, yet I will venture to assert, That I have given several Instances of a most sincere and hearty Affection for our present excellent *Minister*: I am at this very Time a worse Man by at least *Ten thousand Pounds*, than I should otherwise have been, for my having done one particular Piece of Service: If a Multitude of other Affairs should have made him forgetful, I am ready to *refresh his Memory* before any Number of his own Friends: I confess, that what he thus served him, he was neither quite so *Great* nor so *Rich*, as he is at present; but by a *grateful* Recollection (as he has ever shewn himself) those Services were never thought the least meritorious, which have been rendered to him under his greatest Difficulties.

WHEN I came up to Town from the last *Assizes*, and found that I could neither bring those Persons who had robbed my House to a legal *Trial*, nor get a *Search-Warrant* for my Goods, though I tried more Ways than one, and could prove where a good Part of them lay, by the positive Affidavits of *three* several Persons, I say, Sir, when I found this, I came up to

... with a full Resolution to have laid my de-
... ble Case before the *British* Parliament, and
... ve flung myself at the Feet, and have im-
... d the *Protection* of those great CONSERVAT-
... s of LIBERTY and PROPERTY. To this
... I actually talked with some Members of
... House, but found their Session was drawing
... Conclusion ; that several Members were al-
... y gone into the Country, and that the re-
... ing Part were taken up upon an *Affair* truly
... y the Attention of Patriots, I mean the
... of the *Charitable Corporation*. While,
... a Zeal worthy of yourselves, you were do-
... Justice to a *Multitude* of unhappy and de-
... l People, I could not reasonably desire or ex-
... you should hearken to the Complaints of *one*
... *Wretch*, however *just* they might appear to be.
... PURSUE, Sir, the glorious Path you are in ;
... yourselves the true Representatives of the
... le of *England* : Protect the Innocent, and
... h such Offenders, as are much too *big* to be
... ged by our common Courts of Justice. May
... ndeavours to *screen* them prove ineffectual :
... your House be put upon no *wrong Scents*,
... rtfully led out of the *Way*. In a Word, when
... our next Session you are enquiring into this
... of Iniquity, may you not be served like
... late Committee for *inspecting Gaols*. I have
... g Reasons to believe, that those Gentlemen
... within an Hair's Breadth of making such
... veries, as would have justly intitled them
... ve had their *Statues* erected at the Expence
... their Country. The *English* Nation will ne-
... despair of having their *Grievances* redressed,
... their Parliament is *free and uncorrupted* :

But should a *wicked Minister*, which He avert, ever be able to secure a *corrupt Majority* in your House, then, Sir, then should we be *truly Slaves*; I will venture to say, we should be even *more wretched Slaves* than those who live under the most absolute Monarchy. Reason is plain: A People had much better satisfy the *Avarice* and *Ambition* of one Tyrant than of *three hundred*. The *Athenian State* was much more happy under the Government of *Pisistratus*, than under that of the *thirty Tyrants*. Our Parliament is our highest Court of Judicature; and should the *Fountain* ever be corrupted, what must become of all the inferior *Streams*? what *Designs* carried on under the *Majesty of Justice*? what *scandalous Partialities* might not then expect? I shall venture to assert, That should the *Laws of England* ever be turned into *Back-Swords*, I mean, should they be made to cut, wound, and destroy only *on one Side*, we should be a much happier Nation, if we were *none* at all. The People of England have been ever so fond of a *Parliament*, that we may properly enough call it their *Mistress*; yet, give me Leave to observe, Sir, That when we have a violent Passion for any one Object, our Love is usually mixed with a little *Jealousy*. With respect to the *King*, the Parliament may properly be called his *Political Wife*. It is not therefore sufficient she should be barely CHASTE; *The Wife of Cæsar ought not to be SUSPECTED*. For these Reasons, I believe, Sir, I may venture to assure you, That *Forty-nine Parts in Fifty* of your Fellow-Subjects, who have no *Place or Pensions* themselves, do most earnestly will

the *Pension Bill* pass. I have heard you more than once allow this excellent Bill to be absolutely necessary for the Preservation of our *Constitution*. Your Behaviour in Parliament on this, and every other Occasion, has given you an indisputable Right to the glorious Title of a *Friend to your Country*. I have no mean Opinion of your *Integrity* or *Abilities*, yet, give me Leave to say, Sir, that notwithstanding the Love and Esteem I have for you, my Respect for a *British Parliament* is so much superior to all *private* Considerations, that I heartily wish you was the most *worthy Member* in the whole *House of Commons*.

I HAVE Reasons to believe, that at your next Meeting, such a *Scene* will be opened, and such *particulars* laid before you, as will require your most Attention. Possibly, as wretched a Creature as I am, I may be a mean Instrument of placing some certain *Facts* in their *true* Light. I will go a little farther: My *Papers* have been twice seized and rifled after a most wicked and unprecedented Manner; notwithstanding which, should your House think it not beneath them to hear an unhappy Wretch, (who by a *certain Person*, and his *Adherents*, has been confidently reported to be a *Madman*,) I humbly hope, I have SOMETHING to offer to them, worthy the consideration of the Representatives of their Country. To be plain, Sir, I am come to a certain Resolution, which I believe I shall keep, I am not by some Means or other *sent out of the World* before your next Meeting. My last Expression may, perhaps, a little surprize you; I shall therefore, without Ceremony, and without Comment, tell you the *Meaning* of it.

MY

My Friends (some of whom are Men much better Judgment than myself) do think that since a *certain Affair*, which made for *Noise* in the World, there have been *two several Attempts* to have murdered me in my Bed. The plain *Matter of Fact* stands thus :

ABOUT *Christmas* last was *Twelvemonth* about Two a Clock in the Morning, I was awakened by a Noise at my Chamber-Door the Noise was like that of a *Key* turning round in a *Lock*, which did not belong to it ; and I really thought, that my Maid-Servant wanted something in the Room, and might have mistaken the *Key* : But upon my calling out, *What there ?* instead of receiving any Answer, the most violent Efforts were made to have broken open the Door. I thought it now high Time to knock, and alarm the House, which I did ; and when those who lay over me, began to stir, I heard the Fellow, who was at my Chamber-Door, trip up Stairs, where, by what afterwards happened, I have Reason to believe he got out of a Door in the Garret which opened upon the Leads of the House. I cannot pretend to guess at the Villain, only I had observed, that the Day before this Accident happened, I had been dogged for several Hours together, by a Fellow in a blue Rug Coat ; and once, when I turned back to look at him, the Wind blowing open his great blue Coat, I saw he wore under it a sort of *Frock* with *Metal-Buttons* ; and I thought that in the Efforts which that Villain made, when he endeavoured to break open my Chamber-Door, I plainly heard his *Metal-Buttons* grate against the Door.

Men, and an adjoining Wainscot. However, whether this Fellow and he who dogged me, were one and the same Man, I am not able to

MADE no *Noise* of this Affair; yet could forbear making my own *Reflections* upon it. I might not be altogether wanting to my self, I took care from this Time to have a Light, or Lights, constantly burning all Night in my Chamber, which I never had before. I resolved likewise to get some Man to lie upon the same with me. I pretended I wanted a Servant, upon which, one who had formerly lived with me several Years, but was then a Housekeeper, recommended to me a lusty young Fellow, a Relation of his own. My old Servant passed his Word for the young Fellow's Honesty: But determined he might not wear a *Livery*, because his Master was a very substantial Farmer, and he himself actually Heir to an Estate of *Fourscore Pounds Annum*. I ordered a Table-Bed to be put in the Room which was attempted to be broke open, and made this young Fellow lie in it. I told him nothing of the former Attempt, that he might not be under any Apprehension. Every thing was quiet for about six Weeks: But at the End of that Time, about Three in the Morning, the same Villain, as I imagine, who made the former Attempt, came again. He was now much improved in the Art of picking a Lock, and he got into the Room where my Servant lay, adjoining to my own, without making any Noise. However, as I happened to be awake, I heard some body stalking about the Room. I took it for granted, that it was my own Man, who

who might want something in the Night, which he could not readily find ; but was sufficiently alarmed, when I heard the Fellow jump out of Bed, and cry out, *Who are you, Sir ? What do you do here ? What do you want ?* I immediately leaped out of Bed with my drawn Sword in my Hand, which lay constantly by me, and ran into the Dining-Room. I attempted to open the Door, which was next the Stairs. I could have opened this Door, my Man and I should have had the Villain between us, and he might probably have given a good Account of himself : But I found the Door unfortunately locked. The Maid-Servant, who every Day lighted the Fire, had locked the Door, and taken the Key up with her. I tried in vain to break it open. All I could do in this Extremity was, to run out to my Servant to bid him fear nothing, that I was coming to him, and to order him to *fire upon the Villain*, though, God knows, the poor Fellow had no Fire-Arms. At the same Time, instead of crying, *Murder*, which I thought might keep Folks in their Beds, I cried out, with all my Might, *Fire ! Fire !* This soon alarmed every body in the House. The Villain finding the Family was getting up, thought it high Time to retreat. He ran up Stairs, and (as we afterwards discovered) got out of a little Door which opens upon the Leads of the House. We found this little Door open, and another Door in the Garret leading to it, and which was constantly shut at Night, (however it happened) was now likewise wide open. My Man told me, That as soon as ever he saw the Villain in his Room, he sprung out of Bed, and caught

Chair in his Hand, which was all he had to defend himself: That the Villain upon this retired back two or three Steps, and stood still a while with a Pistol in his Hand, but without firing, or striking at him; till at last, upon the Noise I made, he went out at the Chamber-Door, which he had just before opened, ran up the Garret, and made his Escape over the Rails in the Manner I have mentioned. Upon consulting with the People of the House, who were all of them alarmed at this last Attempt, I found, that the Villain, in all Probability, had been in the House, to see *how the Ground lay* before he made his *first* Attempt to break open my Chamber-Door. Every body in the House (except myself) heard a Man, one Night before my Attempt, go down from the Garret; and that he had staid some little Time, trip up Stairs and into the Garret.

ALL my Friends, who gave themselves the trouble to talk with my Servant, (which some of them did,) are of Opinion, That the Villain had no other Design, than to have murdered me. It is pretty evident, indeed, that he did not come to Steal: I am assured, that in the Garret through which he came, there was a great quantity of Linen, and of a considerable Value; that none of it was found missing. Besides, that he was in the House, he might with the most Ease have robbed all the Ground Floor, where no body lay, and which belongs to a substantial Tradesman, who had several *Things of Value*: Whereas the Villain could have taken nothing from me (except my *Life*) but a few Books and Papers. My Friends are all convinced, that

his Behaviour in my Man's Room proceeds from the Surprize he was under, when he found another Person in the Chamber, where he expected to have found me. They likewise lay some Story upon a particular Circumstance: A Day or two before the first Attempt was made upon the Chamber-Door, a little *Italian Grey-bound* was stolen from me, which had been with me several Years before, used constantly to lie under the Bed, and would fall a barking upon the least Noise. I should not have mentioned this Circumstance, if I had not heard or read somewhere of an *Harlequin Dog*, who discovered a horrid and bloody Plot to have destroyed the Kingdoms. For my own Part, I must ingenuously confess, I do not well know what to think of the whole Affair. I have only related the Matter of Fact: I cannot help saying, That some Circumstances do look a little odd; yet, far be it from me to charge the greatest Enemy I have in the World, with having any Hand in so *Black* an Attempt, unless I could fully prove it upon him. Since this last Attempt, I have got some Fire Arms, and never go to Bed without two Boxes of Pistols loaded by me: I have likewise taken some other Precautions, and should endeavour to tell my Life as dear as I could, if it is ever pursued again after this Manner.

I HAVE often found myself dogged for the whole Day together, sometimes by one Man and sometimes by two: I thought it proper enough to acquaint a certain Person, whom I went to see one Day, that I had left my Equipage in the Street for that I had been followed all the Morning by several Fellows, who were at that Time not far from

He immediately replied, *I don't care* knows you visit me. I assure you, Sir, if you not ashamed of my Acquaintance, I am not med of yours. So generous an Answer from a person so much my Superior, made me almost ashamed that I had told him I was dogged. If the Gentlemen, who still do me the Honour to know me now and then, or to watch my Door a whole Day together, mean nothing more, than to find out what Persons I see, I do hereby assure them, that they are heartily welcome to take the best of their Discoveries.

HOPE, Sir, I have said enough to convince you that I have not Complained without being just; and that my having been so long Silent, never till now entering into Particulars, is the Proof that I have a tolerable Stock of Patience, especially for a Madman. I beg Leave, however, to assure you, That you do me a great deal of Injustice, if you imagine I have now said all that I could say. I could tell you how I have been flung into a Prison, and kept there some time for a Debt, pretended to be due to a certain Person, to whom I do not owe one Farthing; who, on the contrary, if a current Account between us was fairly ballanced, (which Account I more than once offered in open Court in sincerity to refer to any indifferent Persons,) is due me Hundreds of Pounds in my Debt. I could tell you how an old Bond, given twenty Years since, and paid off above twelve Years since, has been trumped up against me, not by the Person from whom I gave it, but by a certain Captain, whose Hands it fell by an unlucky Accident. I could tell you some Proceedings in this

Case, which I hope and believe are without Precedent.

I could tell you how, when I was extremely ill, and upon the very Day I had taken Physic, I was dragged by a *Tipstaff* by Force out of my own Lodgings, and in my Morning-Gown, to the Court of Chancery, though there was no more Occasion for my Appearance in that Court than there is at this Time for yours. I could tell you, that my Lord Chancellor (to give him his Due) seemed thoroughly shocked at this infamous and unprecedented Piece of Barbarity; I could tell you, and truly too, that I look upon it as done with a Design to have murdered me, and that it had very near compleated that design: Upon my Return to my Lodgings, I fell into such a *Fit* as I never was seized with till that Day, and which those about me thought would have carried me off. I could tell you many other Things. In short, Sir, if you are a little surprized at some Particulars in the preceding Sheets, how much greater would your Surprize be, should I draw up the *Curtain* entirely, and present to your View a certain *Scene* which I could lay open? But I hope I have lived long enough in the World to observe an excellent Precept given us in an old plain English Proverb, namely, That *Truth is not to be spoken at all Times*; and to know, that there are many Truths, especially of such a Kind, that will infallibly lose their Force, if they are reserved for a proper Time, and a proper Place. The cruel Persecution and Oppressions I have struggled under for these Ten Years last past, have made Death infinitely preferable to such a

have led. I hope I am not afraid to *die*; and believe there is no Man of any *Spirit*, who in *like* Circumstances would not have put an End to his *Life*, could he have been assured, that his *Actions* would have ended with it. I must own, I am not quite so *clear* upon the Subject of *Swi-*
th, as several great and good Men have de-
scribed themselves to be; yet, if I ever lay under
Temptation to have committed it, I have
been withheld from it by *two* Reasons: If it be
a crime, it is such a one, as it is scarce possible
to repent of; and this Circumstance, which is
most peculiar to this very Action, must, me-
ans, have a good deal of Weight with every
thinking Man.

THERE is another Reason, which, though a
Trifle, if compared to the former, I can-
not deny had some little Weight with me.

I HAVE Grounds to believe, that a certain
Man has used his utmost Endeavours to drive me
to this very Action; and that he once *hoped*, and
expected every Day to hear that I had com-
mitted it: And I will not assert, that a Resolu-
tion I have taken, never more to contribute to his
asures, may have had its Weight in making
me not altogether weary of Life. I hope, how-
ever, I shall never put too great a Value upon it.
And though the King of Sparta should *once more*
call me a *Desperado* in Print, I shall *once more*
rejoice at those *very Words* which induced his Spar-
tan Majesty formerly to be so severe upon me, *viz.*
That Did I but know how to lay down my Life
for the real Service of my poor Country, you
should soon see how little I would hesitate to part
with it."

I HAVE already hinted, that I am not without Hopes of being a mean Instrument of doing my Country some little *Service* at your next Meeting: Yet, if my promising to reveal *nothing* which was ever said to me under the Seal of *Friendship*, is sufficient to make a certain Person *Easy*, he may be *Easy*. There are some certain *Measures*, which, under all Events and utmost Provocation, I am determined to keep not for *his* sake, but my *own*. Give me leave to add, Sir, that I find there is a general Expectation from your next Session. I believe the Voice, and Cries of the whole Kingdom, whether have, or will let you know, what it is they expect from you: And I dare say you will agree with me, that nothing can be more monstrous than to imagine that the *Representatives of the People* will act directly contrary to the *Wishes* and *Inclinations* of that People whom they represent.

ONE of the first Things you will probably be upon, will be to take the *State of the Nations* into your Consideration. Our present Condition is represented to us in a very different Light by different Sets of Writers.

WE are told by one Set of Writers, That the *British Nation* was never in so happy and flourishing a Condition as now: That the Glory of *England* is arrived to the highest Pitch, under the Administration of our present excellent Ministers: That Trade and Commerce were never before settled upon so happy a Foot: That we are loved by our Allies, feared by our Enemies, and respected by all the World: That we have nothing to do, but to sit down every Man under

Fig-Tree, and quietly enjoy all those Blessings which our great Minister is daily procuring for us: That we ourselves may sleep, and take Rest, since his Eyes are ever open, and his hands constantly employed to remove every Danger that can possibly threaten us: That with a disinterested Generosity, which cannot be too much commended, he is pleased to prefer our Ease and Happiness to his own: That the only thing we have to take Care of, is, that we do not fall into too much Luxury amidst the present Affluence and Plenty of Money: That we live in an Age and Country where *Liberty* is in Ascendant: That we are the only happy Nation in *Europe*, who have it in as high Perfection as human Nature is capable of enjoying: That every Man's *Property* is rendered sure to him by the best Laws, which were ever composed, and as *Secure* as any Thing can be made in this world: That *Justice* is in all Cases so *Impartially* administered, that the *Greatest* Man among us is not able to oppress the *Meanest*.

ANOTHER Set of Writers maliciously insinuate, That from being very lately a *Terror* to all our Enemies, and holding the Ballance of *Europe*, we are become the Jest, the Scorn, the Contempt, the Derision of every Nation round about us: That our *Trade* (the very *Soul* of our Nation) is ruined, and decaying in all its Branches; and that it will hardly be possible for us to take it out of those new Canals into which it is lately fallen: That our first Minister is so far from being qualified for his Post, that he understands nothing of foreign Affairs: That he is so far from being a Master of *Languages*, that he cannot even speak

speak *French* : That the strongest Passions in
 are the *Love of Money*, and a *mean Jealousy*
 every Man who has those Qualifications he
 himself : That Millions of People have lost
 their *Friends* or their *Fortunes* by his pernicious
 Measures : That he has taken much more
 of *himself* and his Dependants, than of the
Publick : That while the Nation in general is gro-
 ing under *Poverty* and *Oppression* ; while our
 Merchants Ships are daily taken, our Colonies de-
 ing, our Tradesmen becoming Bankrupts,
 Farmers unable to pay their Rent, and our Streets
 filled with Beggars, there are two or three
 families who are daily acquiring and hoarding
 such immense Sums, as must in a few Years
 even the Circulation of our Money : That tho'
 our Prince himself has a thousand great and
 ble Qualities in him, yet that his People
 prevented from receiving the Influence of them
 by this Minister's interposing and hanging like
black Cloud between *them* and their *King* : That
 He and his Creatures have found a Way to
 prevent the just Complaints of his Majesty's Subjects
 from reaching his royal Ear : That the whole
 administration of this same Minister has been
 thing else but *Blunder* upon *Blunder* ; and that
 his *Politicks* may be comprised in one single Word
 viz. CORRUPTION : That the People are bur-
 thened with heavy Taxes, and a standing Army
 and their Debts not lessened in a Time of Peace
 That tho' no People have the *Word LIBERTY*
 more in their Mouths ; no People are per-
 less acquainted with the *Thing* itself : That
 our *Laws* are so far from being so very excellent
 and perfect, as some would persuade us, that

and *Justice* are too often lost and stifled under the *Forms of Law*: And that, in a Word, the *Law* itself, as it now stands, or is sometimes interpreted, seems too capable to enable the *Rich* and the *Wicked* to oppress the *Poor* and the *Innocent*.

I SHALL not examine into the Truth or Falshood of the several Assertions and Insinuations of these Sets of Writers. The *Commons of England* assembled in a *free* Parliament are doubtless the fittest and properest Judges of the true *State of the Nation*; nor can I doubt, Sir, but at your Meeting you will examine in what Condition the *British Nation* really is; and that you will act accordingly. One Thing I beg Leave to mention, namely, That there is not a Man in *England* who will more heartily rejoice than myself, to see his Country in that happy Condition it is now to be in by the first Set of Writers whom we have mentioned; or to see that all the Comments raised against our excellent Minister are without the *least Foundation*, and proceed from nothing else than the causeless Clamours of a Set of worthless Men, who are base enough to envy the very *Hand* that feeds and preserves the Nation, and to *envy* those great Actions they are unable to *imitate*. If, upon a fair and thorough Examination this should appear to be the true State of the Case, I will venture to assure our Minister he may safely *despise* all his Enemies, and need give no Orders for *Prosecutions* at *Westminster-Hall*. Most of the *Prosecutions* against those Writings, which any particular Set of Men call *Libels*, have, in my humble Opinion, smelt extremely *Rank* of downright *Tyranny*.

ranny and arbitrary Power : I dare say there is no Man of Sense, who would not be much sooner convinced, by seeing the Arguments of any Pamphlet fairly Answered, or the Matter of Fact it asserts proved to be False, than hearing it was called a Libel in Westminster Hall.

I SHALL conclude with desiring the Protection of Providence on no other Terms, than as the Sheets are most sincerely intended for the Good of my Country : I should not expect my Fellow Subjects would lend their Attention to the several Particulars I have mentioned, if what is my Case to Day, might not happen to be their own *Morrow* : But it is certainly high Time for every Man to look about him, and to consider in what Foot his own Liberty and Property stand when in the Words of my Motto, *Famulus ardet Ucalegon*; that is, in plain English *When his next Neighbour's House is already on Fire.*

I am with great Esteem,

July 15th.
1732.

S I R,

Your Most Faithful

Humble Servant,

E. BUDGE

F I N I S.

THE APPENDIX.

HAVING some *particular Reasons* not to be satisfied, that my Servant, who was my *chief Evidence*, had only sworn my House was robbed before that Justice of Peace who granted me my *extraordinary Warrant*, I got the Fellow to make an Affidavit likewise of the said Robbery before Recorder of *Oxford*, though this Gentleman, as I have already observed, does not act as Justice of Peace in the County at large. The following Affidavit, taken before him, is what I shew'd my Readers to in the 127th Page of the preceding Sheets.

A *Braham Maids* saith, That *Eustace Budgell Esquire*, having left the Care of his House, and all the Keys of the said House with him, he took care not only to lock up the Doors of the said House, but to bolt and barricade them in such a Manner, that no Key could open the same; But saith, that the said House was several Times broke open, and several Goods of a considerable value taken away at divers Times out of the same; so that at present, almost all the Goods in the said House, which was well furnished,

“ are stole away. And the said *Abraham*.
 “ further saith, That early one Morning, ab
 “ *May* last, being informed, that there
 “ been a Knocking heard in the House,
 “ went in the back Way, and actually ca
 “ *John Piers* of *Denton*, *William Badcock*
 “ *Gazington*, and *John Gillman* of the fa
 “ who had broke open the Hall-Door of
 “ said House, which he the said *Maids*
 “ firmly secured with a large Bar: And the
 “ *Maids* saith, That the three Persons afore
 “ were actually carrying off several of the G
 “ belonging to his Master, when he came u
 “ them; and saith, That the said three Per
 “ were under the utmost Fright and Surpr
 “ when they were caught by him the said *Ma*
 “ and that *Piers* and *Gillman* did in partic
 “ look as if they would have fainted away:
 “ the said *Maids* told the said *Piers*, That he
 “ a base Man for breaking open his Ma
 “ House, and stealing his Goods several T
 “ before in the Night; because he the
 “ *Maids* might be hanged upon Suspicion
 “ having taken the same: And the said *Ma*
 “ saith, That *Piers* and *Gillman* were so
 “ founded, that they made him no Answer;
 “ that *Badcock* had the Impudence to say,
 “ he the said *Maids* could not tell where
 “ had the Goods; although the said *Maids*
 “ very well know they were his Master's,
 “ taken out of the House which was b
 “ open.
 “ AND the said *Maids* saith, That his
 “ ter's House was broke open five or six T
 “ and some of the Goods taken away

“ T

Time; and that the Persons who broke it open, got in sometimes at the Windows, and sometimes at the Doors: And he doth believe that the said *Piers* was always concerned in breaking open the said House, because he the said *Maid*s doth know, that many of the Goods taken away at the said Times, are now in the Possession of the said *Piers*; and that some of them are in the House, where the said *Piers* now lives, and that others of them are hid in a Barn. Of all which he the said *Maid*s is ready to make Oath. In Witness whereof he hath hereunto set his Hand this 26th Day of August, 1731.

Abraham Maids.

August 30, 1731.

Sworn by Abraham Maids before me, That the Contents of this Paper is true; and that his name is thereto subscribed.

MAT. SKINNER.

“ *Abraham Maids* farther saith, That he doth believe, the House of his Master *Eustace Budgell* Esquire was always broke open in the Night, or at such Times as *John Piers* and his Accomplices were well assured he the said *Maid*s was at a great Distance, save only at that Time when they were apprehended by him the said *Maid*s. And the said *Maid*s farther saith, That he is credibly informed, and doth believe, that *William Badcock* of *Gazington*, did declare some Time after the said *Maid*s had caught him carrying away his Master's
“ Goods,

The APPENDIX

“ Goods, when he had broke open the Ho
 “ That if it was to do again, be the said Bado
 “ would have knocked the said Maids in the Ho
 “ and have buried him in the Orchard, belong
 “ to the said Maids’s Master’s House.

“ AND the said Maids saith, That he h
 “ heard, and doth verily believe, that the
 “ Piers and his Associates were encouraged
 “ do what they have done, from a firm Be
 “ that the said Maids’s Master, *Eustace Bur*
 “ Esq; was confined for Debt, and would ne
 “ be in a Condition to prosecute them; and t
 “ they would never have dared to rob his Ho
 “ had they ever thought he would have reco
 “ ed his Liberty.

“ And the said Maids saith, That they
 “ gan their Attempts, as he believeth, by tak
 “ away a Grinding-Stone belonging to his M
 “ ter, which lay in a Hovel; because the
 “ Piers, soon after the said Stone was missin
 “ came to him the said Maids, and said; *Wh*
 “ I hear you have had your Grinding-Stone stol
 “ To which the said Maids replied, *I believe*
 “ know what is become of him. And the
 “ Maids hath been informed that the said P
 “ did actually take away the said Stone, a
 “ hid it in a Ditch for some Time after
 “ had stolen it; but at last carried it to t
 “ House of *William Burges* in the Parish
 “ *Gazington*, where the said Maids hears t
 “ said Stone now is. And the said Maids saith
 “ That he doth conceive the said Piers findi
 “ himself not prosecuted for the said Stone,
 “ proceed to break open, and to rob his the
 “ Maids Master’s House in the Manner the
 “ Ma

The APPENDIX.

5

M Maids hath given under his Hand Yesterday :
of all which the said *Maids* is ready to make
Oath; if he is legally called upon so to do.
in witness whereof he hath hereunto set his
Hand this 27th Day of *August*, 1731.

Abraham Maids.

Aug. 30, 1731.

*Sworn by Abraham Maids before me, That the
Contents of this Paper is true; and that his Name
hereto subscribed.*

MAT. SKINNER.

Besides these *two Papers* my Servant signed a
3d Paper, containing some *Particulars*, which
for certain *Reasons* I shall not publish at present.

THE following Affidavit of my Maid Servant's,
that I referred my Readers to in Page 128.

*M*ARY Harris maketh Oath, That above
two Years since her Master *Eustace
Judgell Esq* (who was at that Time under
Confinement in the *Fleet*) called her this De-
ponent to him, and declared unto her, That
he was very uneasy for fear his Papers should
be seized, and rifled once again, as she this
Deponent well knew they formerly were at
his House in *Arundel-Street* ; and that he
was therefore resolved to send down to his
House in *Oxfordshire* some of his said Papers,
containing Accounts between him and other
Persons, several private Letters of Conse-
quence, and other Matters ; and ordered this
Deponent to get herself ready to go down the
very next Day into *Oxfordshire* with the said
Papers :

“ Papers : And this Deponent did make her
“ ready accordingly, and received early the
“ Morning from her said Master's own Hand
“ a small Bag (such as Lawyers commonly call
“ their Papers in) almost full of Papers, which
“ her said Master had packed up the Night
“ before, in several Sheets of brown Paper, and
“ had sealed up with his own Seal in several
“ Places on the said brown Paper. And the
“ Deponent farther saith, That when her Master
“ gave her the said Bag of Papers, he put
“ strictly charge and command her several Times
“ over to take the utmost Care thereof ; and
“ declaring, that as much as he wanted Money,
“ would not lose the said Papers for two Thou-
“ sand Pounds ; or Words to that Effect ; he
“ ordered this Deponent, as soon as she came
“ his House in *Oxfordshire*, to cause a large strong
“ Chest in the said House to be removed up
“ a little Closet in one of the Garrets, and to
“ put the said Papers in the said Chest ; and also
“ put two good Locks, one upon the Chest, and
“ another on the Closet-Door ; and having com-
“ pletely locked the same, to bring away the Key
“ with her, and not to leave them with *Abram*
“ *Maids*, who had the Care of the House, and
“ the Goods therein, and the Keys of every other
“ Room in the said House. And this Deponent
“ saith, That she did go down into *Oxford*
“ accordingly, got the aforesaid Chest removed
“ up into the said Closet, and put the said Pa-
“ pers therein. And because her Master
“ strictly charged her to let no body know
“ her carrying down the said Papers, she, the
“ Deponent, to avoid any Suspicion of her

Papers into the said Chest, did likewise
 some Linen, Pewter-Dishes and Plates,
 the said Chest; and having caused two
 new Locks to be put upon the Chest
 the Closet-Door, and carefully locked the
 e, brought away the Keys with her to
 don, and hath had them in her Possession
 since. And this Deponent farther saith,
 at being carried down by her Master to the
 zes held at *Oxford* in *March* last, she found
 her Master's Country-House, which was
 furnished with Goods sent down from his
 se in *Arundel-Street* in the *Strand*, and with
 Goods as he had bought in *Oxfordshire*,
 entirely stripped from Top to Bottom:
 at the said Chest was carried away; and that
 every Tools, and Washing-Vessels in the
 houses, and a large Copper-Furnace, were
 stolen, and carried away. And this De-
 nt saith, That being carried by her Fel-
 Servant, *Abraham Maids*, to a Barn which
 s by it self in a Field, and is now in the
 ssion of one *John Piers*, she, this Depo-
 looked into the said Barn through the
 ices of the Boards, and saw therein a great
 ntity of her said Master's Goods."

Mary Harris,

4th Day of July 1732,
 me at the Publick Office.

FRAN. ELDE,

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N.B. This is the Book which gave Occasion
several Papers and Pamphlets making
the following Letter to Mr. Ulrick